



California Regulatory Notice Register

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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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PROPOSED ACTION ON REGULATIONS

Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.

TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture is proposing to take the action described in the Informative Digest.

A public hearing is not scheduled for this proposal. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period.

Any person interested may present statements or arguments in writing relevant to the action proposed to the person designated in this Notice as the contact person **on or before August 12, 2002**.

Following the public hearing, if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCES

Pursuant to the authority vested by section 407 and 9101 of the Food and Agricultural Code, and to implement, interpret or make specific section 9101 of said Code, the Department of Food and Agriculture is considering changes to Division 2, Chapter 2, Article 9, of Title 3 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Food and Agriculture Code section 9101 requires the Department to establish procedures for selecting the "conditions" that pose or may pose significant threats to the public health, animal health, the

environment, and the food supply, which are required to be reported to the Department, and the method of preparation and publication for the List of Reportable Conditions for Animals and Animal Products.

The term "conditions" refers to any illness, disease, infection, pathogen, contagion, toxin, bacteria, virus, prion, or any other material or factors affecting a population of animals or animal product. Though the conditions may differ, each presents substantial risk to public and animal health, the environment, and the food supply.

Existing section 796 lists only those animal and poultry "diseases" required to be reported to the Department and their reporting timeframes. Section 796 does not reflect emerging animal and poultry diseases, address food safety, public health or environmental conditions, and does not allow for the ability to modify the diseases (conditions) and their timeframes for reporting to the Department.

This proposal adds new section 797 to allow the Department the flexibility to add emerging "conditions" and give a higher or lower priority to other conditions as situations occur.

FISCAL IMPACT STATEMENTS

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact: The Department of Food and Agriculture has made an initial determination that the proposed regulatory action would not have significant adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New businesses: The Department of Food and Agriculture has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impacts on Private Persons or Entities: The Department of Food and Agriculture is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The Department of Food and Agriculture has determined that the proposed regulation would affect small businesses. However, there is no negative

impact upon businesses because no fees or reporting forms are required by this proposal. It relates to specified information that is to be reported to the Department.

CONSIDERATION OF ALTERNATIVES

The Department of Food and Agriculture must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing (if a hearing is requested) or during the public comment period.

INITIAL STATEMENT OF REASONS

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing (if a hearing is requested) or during the public comment period upon request from the Department of Food and Agriculture, 1220 N Street, Room A-114, Sacramento, CA 95814.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection by contacting the persons named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact persons named below or by accessing the website listed below.

CONTACT PERSON

Inquires concerning the substance of the proposed regulations are to be addressed to the following:

Name: Thami Rodgers, Associate Analyst
Address: Department of Food and Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814

Telephone No.: (916) 698-3276
Fax No.: (916) 653-4249
E-mail address: trodgers@cdfa.ca.gov

The backup contact person is:

Name: Nancy Grillo, Associate Analyst
Address: Department of Food and Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814

Telephone No.: (916) 651-7280
Fax No.: (916) 653-4249
E-mail address: ngrillo@cdfa.ca.gov

Written comments, facsimiles or e-mails regarding this proposal are to be addressed to the following:

Name: Thami Rodgers, Associate Analyst
Address: Department of Food and Agriculture
Animal Health and Food Safety
Services
1220 N Street, Room A-114
Sacramento, CA 95814

Telephone No.: (916) 698-3276
Fax No.: (916) 653-4249
E-mail address: trodgers@cdfa.ca.gov

Website Access:

Materials regarding this proposal can be found at <http://www.cdfa.ca.gov>

TITLE 4. STATE ATHLETIC COMMISSION

NOTICE IS HEREBY GIVEN that the California State Athletic Commission (hereinafter "commission") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Rosebowl Press Room 1001 Rosebowl Drive, Pasadena, California, at 10:00 a.m., on August 15, 2002. Written comments must be received by the commission at its office at 1424 Howe Avenue, Suite 33, Sacramento, California, 95825 not later than 5:00 p.m. on August 13, 2002 or must be received by the commission at the hearing. Written comments may also be faxed to this phone number (916) 263-2197 or e-mailed to this e-mail address Robert_Lynch@dca.ca.gov The commission, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and

will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 18611 of the Business and Professions Code, and to implement, interpret or make specific Sections 18640, 18705, 18706 of said Code, the commission is considering changes to Division 2 of Title 4 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Section 18611 of the Business and Professions Code authorizes the commission to adopt, amend, or repeal, regulations as may be necessary to carry out the laws relating to boxing and martial arts.

Amend Section 711

The existing regulation specifies that amateur boxing and martial arts fighters may wear headgear during a contest or match.

The proposed amendment would replace may with shall requiring amateur boxing and martial arts fighters to wear headgear during a contest or match.

The objective of this amendment is to comply with statutory language that requires amateur boxing and martial arts fighters to wear headgear during a contest or match; and for the safety of these young fighters.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

Business Impact:

The commission has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The commission has determined that this regulatory proposal will not have any impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Persons or Business:

The commission estimates the cost impact of the proposed regulation on a representative private person to be \$40.00 per headgear. A major retail establishment charges \$40.00 per headgear. Currently all amateur boxing and martial arts fighters wear headgear when sparring otherwise referred to as training in the gym to prevent cuts and injuries.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The commission has determined that the proposed regulations may not affect small businesses. This regulation will affect private persons such as amateur boxing and martial arts fighters. Fighters are responsible for purchasing their own boxing and martial arts fighting gear (e.g., shoes, trunks, socks, etc.).

CONSIDERATION OF ALTERNATIVES

The commission has determined that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The commission has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the California State Athletic Commission at 1424 Howe Avenue Suite 33, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries concerning the proposed administrative action may be addressed to:

Name: Robert Lynch
Address: 1424 Howe Avenue, Suite 33
Sacramento, California, 95825
Telephone No: (916) 263-2195
Fax No: (916) 263-2197
E-Mail Address: Robert_Lynch@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be direct to Rob Lynch at (916) 263-2195. The back-up contact person is Leydis Church, 263-2195.

Website Access: Materials regarding this proposal can be found at www.dca.ca.gov/csac.

TITLE 5. BOARD OF EDUCATION

NOTICE OF PROPOSED RULEMAKING

Mathematics and Reading Professional Development Program

July 30, 2002

The State Board of Education (State Board) proposes to adopt the regulations described below after considering all comments, objections, or recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The State Board proposes to add Section 11983.5 to Subchapter 21 of Chapter 11, of Division 1 of Title 5 of the California Code of Regulations, to provide guidance as to the definition of "Instructional Materials Otherwise Authorized by the State Board of Education" with regards to the Mathematics and Reading Professional Development Program.

PUBLIC HEARING

The State Board will hold a public hearing starting at 11:00 a.m. on Thursday, September 12, 2002, at 1430 N Street, Room 1101, Sacramento. The room is wheelchair accessible. At the hearing, any person may present statements or arguments orally or in writing relevant to the proposed action described in the Informative Digest. The State Board requests that any person desiring to present statements or arguments orally notify the agency of such intent. No oral statements will be accepted subsequent to this public hearing.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the State Board. All written comments must be received no later than

the close of the public hearing scheduled to start at 11:00 a.m. on Thursday, September 12, 2002. Requests to present oral statements at the public hearing or written comments for the State Board's consideration should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 556
P. O. Box 944272
Sacramento, California 94244-2720
(916) 657-4669 FAX: (916) 657-3844
E-mail: pmcginni@cde.ca.gov

AUTHORITY AND REFERENCE

Authority for these regulations is found in Education Code sections 33031 and 99236. Education Code section 33031 is the State Board's general authority to adopt rules and regulations for the government of the day and evening schools of the state. Education Code section 99236 is the specific authority for the California Department of Education to design, and the State Board to approve, regulations for implementation and monitoring of the Mathematics and Reading Professional Development Program

**INFORMATIVE DIGEST AND
POLICY STATEMENT OVERVIEW**

Assembly Bill 466 (Chapter 737), Statutes of 2001, established the Mathematics and Reading Professional Development Program. The Program will greatly assist efforts to increase academic performance in California schools by enabling 176,000 teachers and 22,000 instructional aides and paraprofessionals to participate in high-quality professional development activities in mathematics and reading/language arts over a four-year period.

The proposed regulations respond to requirements in Education Code section 99236 that the State Board shall authorize the Superintendent of Public Instruction to design, and the Board shall approve, regulations for the implementation and monitoring of the program. The Superintendent of Public Instruction shall provide funding to a local educational agency in accordance with the funding methodology specified in Education Code sections 99234 and 99235 and with regulations adopted by the State Board.

As a requirement of the Mathematics and Reading Professional Development Program, local educational agencies must certify that they will use specified instructional materials. Education Code section 99231(c) defines these specified instructional materials to include "materials adopted by the State Board of Education after January 1, 2001, unless otherwise authorized by the State Board of Education." The proposed regulations clarify the definition of "instructional materials otherwise authorized by the State

Board of Education.” While originally it appeared that “otherwise authorized by the State Board of Education” would not require clarification, it has now been determined that the program would be better served by placing a clarifying definition of “instructional materials otherwise authorized” into regulations. These proposed regulations are therefore necessary to include all the schools in the eligibility criteria that were intended by AB 466. This clarification must be provided before the funds are allocated in 2001–2002.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: None

Cost or savings to any state agency: None anticipated, formal analysis pending

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: None anticipated, formal analysis pending

Other non-discretionary cost or savings imposed upon local agencies: None anticipated, formal analysis pending

Cost or savings in federal funding to the state: None

Cost impact on representative private person or business: The State Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Impact on business: The State Board has made an initial determination that the proposed regulatory changes will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Significant effect on housing costs: The State Board has made an initial determination that the proposed regulatory action would not affect housing costs.

Effect on small business: None, because these regulations are directed to local educational agencies which are not small businesses.

CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the State Board must determine that no reasonable alternative considered by the State Board or that has otherwise been identified and brought to the attention of the State Board, would be more effective in carrying out the purpose for which the action is proposed, or would be as effective and less burdensome to affected private persons than the proposed action.

The purpose of the proposed regulations is to clarify the definition of “instructional materials otherwise authorized by the State Board of Education” which is necessary to include all the schools in the eligibility

criteria that were intended by AB 466. The State Board does not believe that existing law absent these regulations achieves that objective. Moreover, the State Board has been unable to identify any alternative to the proposed regulations that achieves the objective. The State Board invites interested persons to present statements or arguments regarding alternatives to the proposed regulations at the above-mentioned hearing or during the written comment period.

ASSESSMENT REGARDING CREATION OR ELIMINATION OF JOBS IN CALIFORNIA

The State Board has made an assessment and determined that the adoption of the proposed regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

CONTACT PERSONS

Inquiries concerning the substance of the proposed action should be directed to:

Kathie Scott, Education Programs Consultant
California Department of Education
Reading/Language Arts Leadership Office
830 “S” Street
Sacramento, CA 95814
Telephone: (916) 323-6269 Fax: (916) 323-2928
E-Mail: kscott@cde.ca.gov

Requests for a copy of the proposed text of the regulations, the initial statement of reasons, the modified text of the regulations, if any, or other technical information upon which the rulemaking is based should be directed to:

Pat McGinnis, Regulations Adoption Coordinator
California Department of Education
721 Capitol Mall, Room 552
P. O. Box 944272
Sacramento, California 94244-2720
Telephone: (916) 657-4669 FAX: (916) 657-3844
E-mail: pmcginni@cde.ca.gov
Or
Debra Strain, Regulations Analyst
Telephone: (916) 657-4440 FAX: (916) 657-3844

AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Regulations Adoption Coordinator will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at her office, at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy may be obtained by contacting the Regulations Adoption Coordinator at the address or

telephone number listed above or accessing the California Department of Education's website at <http://www.cde.ca.gov/regulations>. Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the Regulations Adoption Coordinator or viewed on the website.

**AVAILABILITY OF CHANGED
OR MODIFIED TEXT**

Following the public hearing the State Board may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the originally proposed text, the modified text, with changes clearly indicated, will be made available to the public for at least 15 days prior to the date on which the State Board adopts the regulations. Requests for copies of any modified regulations should be sent to the attention of the Regulations Adoption Coordinator at the address indicated above. The State Board will accept written comments on the modified regulations for 15 days after the date on which it is made available.

**TITLE 8. OCCUPATIONAL SAFETY
AND HEALTH STANDARDS BOARD**

**NOTICE OF PUBLIC MEETING/PUBLIC
HEARING/BUSINESS MEETING OF THE
OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD AND NOTICE OF
PROPOSED CHANGES TO TITLE 8 OF THE
CALIFORNIA CODE OF REGULATIONS**

Pursuant to Government Code Section 11346.4 and the provisions of Labor Code Sections 142.1, 142.2, 142.3, 142.4, and 144.6, the Occupational Safety and Health Standards Board of the State of California has set the time and place for a Public Meeting, Public Hearing, and Business Meeting:

PUBLIC MEETING: On **August 15, 2002** at 11:00 a.m. in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

At the Public Meeting, the Board will make time available to receive comments or proposals from interested persons on any item concerning occupational safety and health.

PUBLIC HEARING: On **August 15, 2002** following the Public Meeting in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

At the Public Hearing, the Board will consider the public testimony on the proposed changes noticed below to occupational safety and health regulations in Title 8 of the California Code of Regulations.

BUSINESS MEETING: On **August 15, 2002** following the Public Hearing in the Auditorium of the State Resources Building, 1416 Ninth Street, Sacramento, California.

At the Business Meeting, the Board will conduct its monthly business.

The meeting facilities and restrooms are accessible to the physically disabled. Requests for accommodations for the disabled (assistive listening device, sign language interpreters, etc.) should be made to the Board office no later than 10 working days prior to the day of the meeting. If Paratransit services are needed, please contact the Paratransit office nearest you.

**NOTICE OF PROPOSED CHANGES TO TITLE 8
OF THE CALIFORNIA CODE OF REGULATIONS
BY THE OCCUPATIONAL SAFETY AND
HEALTH STANDARDS BOARD**

Notice is hereby given pursuant to Government Code Section 11346.4 and Labor Code Sections 142.1, 142.4 and 144.5, that the Occupational Safety and Health Standards Board pursuant to the authority granted by Labor Code Section 142.3, and to implement Labor Code Section 142.3, will consider the following proposed revisions to Title 8, Construction Safety Orders, General Industry Safety Orders, Mine Safety Orders, and Tunnel Safety Orders of the California Code of Regulations, as indicated below, at its Public Hearing on August 15, 2002.

1. **TITLE 8:** **CONSTRUCTION SAFETY
ORDERS**
Chapter 4, Subchapter 4, Articles 2 and 8
Appendix B—Plates B-14 and B-15
Appendix C—Plates C-26-a and C-27
**GENERAL INDUSTRY SAFETY
ORDERS**
Chapter 4, Subchapter 7, Group 18
Articles 113 to 123
MINE SAFETY ORDERS
Chapter 4, Subchapter 17, Articles 1 and 50–55
Appendices A and B
TUNNEL SAFETY ORDERS
Chapter 4, Subchapter 20, Articles 2 and 20–24
Explosives

A description of the proposed changes are as follows:

1. TITLE 8: CONSTRUCTION SAFETY ORDERS
Chapter 4, Subchapter 4, Articles 2 and 8
Appendix B—Plates B-14 and B-15
Appendix C—Plates C-26-a and C-27
GENERAL INDUSTRY SAFETY ORDERS
Chapter 4, Subchapter 7, Group 18
Articles 113 to 123
MINE SAFETY ORDERS
Chapter 4, Subchapter 17, Articles 1 and 50–55
Appendices A and B
TUNNEL SAFETY ORDERS
Chapter 4, Subchapter 20, Articles 2 and 20–24
Explosives

INFORMATIVE DIGEST OF PROPOSED ACTION/POLICY STATEMENT OVERVIEW

This rulemaking culminates a process that began in 1985. To comply with the legislative mandate that all administrative regulations be reviewed as required by AB 1111, McCarthy, 1979, the Occupational Safety and Health Standards Board (Board) convened the first of a series of advisory committees in October 1985. During the first series of advisory committee meetings, it was recommended that all Title 8 explosive regulations be consolidated into one location, preferably into the General Industry Safety Orders (GISO). The review was completed but the rulemaking process was never started as the Governor, on July 1, 1987, defunded the program for private sector employers. Upon reinstatement of the Cal/OSHA Program for the private sector through the voter initiative process in November 1988, Board staff continued with the process of revising the explosives safety orders.

The process for review and revision of the GISO explosive regulations has resulted in three separate advisory committee units: five meetings in 1985-86, one meeting in 1991; and four meetings in 1997. Each meeting or series of meetings resulted in recommendations for revisions to the explosive regulations. It was determined during the 1997 meetings that the Board should act on the original recommendation to consolidate all the explosive regulations into the General Industry Safety Orders. The consolidation/reorganization consists of incorporating all Title 8 explosive regulations, those presently contained in the Construction, Mine, and Tunnel Safety Orders, into the General Industry Safety Orders. This proposal is the third and last explosive related rulemaking to bring

California's explosive regulations into compliance with current industry practices and new technology. The first two rulemakings addressed a petition requesting a regulation change and a response to federal concerns that California's explosive regulations were not at least as effective as the counterpart federal regulations.

This proposed rulemaking action contains numerous non-substantive editorial, grammatical, spelling, and gender revisions. In addition, as the result of the addition or repeal of outdated or redundant regulations, sections/subsections have been renumbered. Also, the term "explosive materials" has been substituted wherever the word "explosives" or "blasting agent" appears to reflect the current industry language, and the addition of proper authority and reference citations that currently do not exist have been inserted. These proposed non-substantive revisions are not all discussed in the Informative Digest. However, these proposed revisions are clearly indicated on the regulatory text in underline and strikeout format. In addition to these non-substantive revisions, the following specific revisions are proposed:

Subchapter 4. Construction Safety Orders.

It is proposed to repeal or transfer all the Construction Safety Orders (CSO) explosive regulations to Group 18 of the General Industry Safety Orders (GISO). The regulations in the CSO that duplicate regulations already in the GISO are proposed for repeal. The regulations proposed for transfer are proposed for transfer into the GISO. Those regulations that are unique to construction activities and are not currently contained in the GISO are proposed for transfer to the appropriate section in the GISO. Therefore, the repeal or transfer of the construction explosive regulations will have no effect on the regulated public other than to eliminate duplicative or obsolete requirements or to retain a formally industry specific regulation within the proposed reorganized explosive regulations. The final result of this proposal will be only one set of explosive regulations for the employer to refer to, as the explosives regulations will be located into one location in the GISO, making it more convenient for the user.

Article 2. Definitions.

Section 1504. Definitions.

Existing Section 1504 contains definitions of terms used within the CSO regulations to ensure the devices and/or processes addressed within the regulations are clearly defined and understood.

Subsection (a).

Existing subsection (a) states that the following definitions shall apply in the application of these Orders. It also states that the singular number includes the plural, and the plural includes the singular.

It is proposed to delete the latter part of subsection (a) that states the singular number includes the plural, and the plural includes the singular. This proposal will have no effect on the regulated public as this language is obsolete and therefore, no longer applicable.

It is proposed to repeal, transfer, and transfer and editorially revise some of the definitions of Section 1504 to Section 5237 of the GISO, the definition section. The definitions that are proposed for repeal either already exist in the GISO and therefore, eliminate duplicative definitions or reflect obsolete industry practices, technology, terminology, or classification of materials and therefore, are no longer necessary. The definitions that are proposed for transfer to the GISO are either transferred verbatim or transferred and editorially revised for clarity to reflect changing industry practices, technology, terminology, or classification of materials.

The following definitions are proposed for **repeal**: Blasting Agent; Detonating Cord; Blasting Cap (the term "Blasting Cap" already exists in the GISO; however, the definition is proposed for transfer under the term "Detonator"); Electric Blasting Cap (the term "Electric Blasting Cap" already exists in the GISO; however, the definition is proposed for transfer under the term "Detonator"); Electric Delay Blasting Caps (the term "Electric Delay Blasting Caps" already exists in the GISO; however, the definition is proposed for transfer under the term "Detonator"); Nonelectric Delay Blasting Cap (the term "Nonelectric Delay Blasting Cap" already exists in the GISO; however, the definition is proposed for transfer with editorial revisions under the term "Detonator" as "Shock Tube, Gas Initiation, or Miniaturized Detonating Cord Blasting Caps"); Explosive Materials; Misfire; Powder (obsolete terminology); Primary Blasting; Primer; Safety Fuse (the term "Safety Fuse" already exists in the GISO as "Fuse, Safety"); Secondary Blasting; Springing; Stemming (the term "Stemming" already exists in the GISO as "Stemming Material"); Water Gels, Slurry Explosives; Two Broad Classes of Water Gels (obsolete classifications); Wires, Connecting (the term "Wires, Connecting" already exists in the GISO as "Connecting Wires"); and, Wires, Leading (the term "Wire, Leading" already exists in the GISO as "Leading Wires").

The following definitions are proposed for **transfer** to Section 5237 of the GISO: Air Loader (editorially revised for clarity); Blasting Operations (the term "Blasting Operation" already exists in the GISO; however, the definition is revised to include the CSO definition); Detonator (the term "Detonator" already exists in the GISO; however, the definition is revised to include the CSO definition with editorial revisions); Fuse Cap (transferred to the GISO under "Detonator" with editorial revisions); Emulsion (editorially revised

for clarity); Explosives (the term "Explosives" already exists in the GISO; however, the definition is revised to include the CSO definition); Division 1.1 (editorially revised for clarity); Division 1.2 (editorially revised for clarity); Division 1.3 (editorially revised for clarity); Division 1.4 (editorially revised for clarity); Division 1.5; Division 1.6 (editorially revised for clarity); Licensed Blaster (transferred to the GISO under the new term "Blaster, Licensed"); Magazine, Type 1 (editorially revised for clarity); Magazine, Type 2 (editorially revised for clarity); Magazine, Type 3 (editorially revised for clarity); Magazine, Type 4 (editorially revised for clarity); Magazine, Type 5 (editorially revised for clarity); Wires, Bus (transferred to the GISO under the term "Bus Wires"); and, Wires, Permanent Blasting [transferred to the GISO and editorially revised under the term "Permanent Blasting (Leading) Wires"].

Article 8. Explosives.

Section 1550. Competency and Qualifications of Blasters.

Subsection (a).

A portion of existing subsection (a) requires that all blasting operations be accomplished under the supervision of a licensed blaster. The provisions of this portion of subsection (a) are proposed for transfer to the GISO, Section 5238 as revised subsection (a). This proposal merely ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

The latter portion of existing subsection (a) requires that blasting operations shall include on site transportation, and storage of commercial explosives, blasting agents, and other materials used in blasting. The provisions of this portion of subsection (a) are proposed for repeal. The proposed action will have no effect on the regulated public as Section 5236(a) addresses the same issue.

Subsection (b).

Existing subsection (b) requires the licensed blaster to be in good physical condition to be able to safely conduct blasting operations.

The provisions of this subsection are proposed for transfer to Section 5238 as revised subsection (b) of the GISO. This proposal merely ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) requires the licensed blaster to be able to understand and give written and oral orders. Also, a "NOTE" is included to permit persons to work under the supervision of the licensed blaster for purpose of qualifying for a California Blaster's License.

The provisions of this subsection are proposed for transfer to Section 5238 as new subsection (c) of the GISO. This proposal merely ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) prohibits the handling and use of explosive materials while under the influence of intoxicating liquors, narcotics, or other dangerous drugs.

This subsection is proposed for repeal. The proposed action will have no effect on the regulated public as the proposed revisions to Section 5247(b) of the GISO address these same concerns.

Subsection (e).

Existing subsection (e) requires the licensed blaster to furnish satisfactory evidence of competency and have the qualifications to perform the type of blasting operations for the specific work site.

The provisions of this subsection are proposed for transfer to Section 5238 as new subsection (d) of the GISO. This proposal merely ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Subsection (f).

Existing subsection (f) requires the licensed blaster to show proof when requested by the Division or other authority having jurisdiction that the license is valid.

The provisions of this subsection are proposed for transfer to Section 5238 as new subsection (e) of the GISO. This proposal merely ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Section 1552. Blaster's License.

Existing Section 1552 consists of an informational "NOTE" regarding the blaster's license qualifications that references the public back to Sections 344.20 and 344.21.

This reference is proposed for repeal as the regulated public has been notified of this transfer since 1977. Therefore, this proposal will have no effect on the regulated public.

Section 1555. Blasting Accident Reports and Procedures.

Existing Section 1555 requires that the Division be notified in the event of a blasting accident or unusual occurrence (lightning strike, vandalism, etc.) affecting the safety of workers in which explosive materials are involved. Personal injury does not have to occur. The report is to contain the name and license number of the blaster(s) involved; names and occupations of persons injured, if any; type of explosive materials being used; method(s) of detonation; and an account of the incident. If injury did occur, the blasting operation is

to be terminated until the Division has completed its investigation or authorized resumption of work.

The provisions of this section are proposed for transfer to Section 5248 of the GISO. This proposal merely ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Section 1556. Suspension-Blaster's License.

Existing Section 1556 regarding the suspension of blaster's license provision consists of an informational "CROSS-REFERENCE" that references the public back to Section 344.22.

This reference is proposed for repeal as the regulated public has been notified of this transfer since 1986 and therefore, this proposal will have no effect on the regulated public.

Section 1561. Storage of Explosives.

Subsection (a).

Existing subsection (a) requires that except when being used, transported, or in the custody of a carrier pending delivery, every explosive material is to be kept or stored in the appropriate magazine as specified in listed materials.

This subsection is proposed for repeal. This proposed action will have no effect on the regulated public as Section 5251(a) of the GISO already contains similar requirements.

Subsections (b) through (f).

Existing subsections (b) through (f) contain requirements for quantity and storage restrictions for explosive materials. These requirements include the amount of explosive materials or the number of detonators that can be stored in one magazine; conditions when detonators may be stored with explosive materials; the maximum amount of explosive material that may be kept in a Type 3 (day box) magazine; that magazines are to be located and protected to prevent accidental impact from falling objects or vehicles; that the magazines will be closed and locked except when transferring materials and only authorized persons will have access to the contents of the magazine; and that fuse caps with attached safety fuse(s) are not stored in an explosives magazine.

Subsections (b), excluding the "NOTE"; (c); (e); and (f) are proposed for transfer to Section 5251(h), (i), (j), and (k), respectively, of the GISO. The "NOTE" following subsection (b) is proposed for repeal as unnecessary as proposed Section 5262(c) is proposed to incorporate by reference the Institute of Makers of Explosives, Safety Library Publication No. 22, dated May 1993, that prescribes the minimum construction criteria for container and compartment magazines on vehicles and wheeled trailers. The provisions of subsection (e) are also currently contained in existing Section 5251(g) and (h) of the GISO

that is proposed for transfer to proposed Section 5251(j). This proposal merely ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

The provisions of subsection (d) are proposed for repeal as Section 5251(d) of the GISO already contains similar requirements and therefore, will have no effect on the regulated public.

Subsections (g) through (j) and (n).

Existing subsections (g) through (j) and (n) prohibit sources of ignition within the magazine; require that the explosives that have been in the magazine the longest be removed first and primers and fuse caps with attached safety fuse shall be used as soon as possible after making; prohibit the storage of anything except explosive materials in a magazine and that the magazine be kept clean and free of rubbish; requires magazines be located in accordance with specified tables; and require that brush, grass and combustible rubbish be kept cleared away from the surface of the magazine for a distance of not less than 50 feet.

These subsections are proposed for repeal. This proposed action will have no regulatory effect as Section 5256(b) and (d); Section 5256(f) and Section 5278(q); Section 5256(a); Section 5252(a); and 5251(e) of the GISO already address the contents of subsections (g) through (j) and (n), respectively.

Subsection (k)

A portion of existing subsection (k) is proposed for transfer to Section 5251(g) of the GISO. This proposed transfer to prohibit explosives storage magazines to be located within specified distances of low and high voltage electrical lines will have no effect on the regulated public as it is industry practice to maintain the 25 foot distance from low-voltage electrical lines and the 100 foot distance from overhead high-voltage electrical lines. This proposal merely transfers the existing regulation in the CSO to the GISO.

The other portion of existing subsection (k) regarding the proper placement of magazines should an electrical line break is proposed for repeal as this regulation is already contained in Section 5251(g) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Subsections (l) and (m).

Existing subsections (l) and (m) require that vehicular storage facilities for Types 2, 4, and 5 magazines have their wheels removed or be immobilized by kingpin locking devices; and that explosive materials will not be left unattended in a Type 3 magazine, but taken to a Type 1 or 2 magazine for storage.

These provisions are proposed for transfer to Section 5251 as new subsections (l) and (m) of the GISO, respectively. This proposed action will have no

effect on the regulatory public as the action merely transfers existing regulations in the CSO to the GISO.

Section 1562. Construction and Use of Magazines.

Existing Section 1562 contains the requirements for the construction and use of Types 1 through 5 magazines. These requirements address the type of materials to be used for the floor, walls and roofs of each type of magazine, wall fillers if required, doors and door locks, ventilation, types of fasteners, etc.

Except for subsection (a)(2) that requires the ground around Type 1 magazines to be sloped away for drainage or that other adequate drainage be provided, the remaining provisions of this section are proposed for transfer to the GISO as new Section 5253.1. Existing subsection (a)(2) is proposed for transfer to Section 5251(e)(1) of the GISO. This proposed action will have no regulatory effect other than to retain existing CSO regulations within the GISO.

Section 1563. Construction and Use of Second-Class Magazines.

This section contains only a "NOTE" regarding the storage of primers and detonators in second-class magazines and where the magazines should be located with respect to other second-class magazines.

This section is proposed for repeal, as it is informational only and has no regulatory effect. Therefore, the proposed action will have no effect on the regulated public.

Section 1564. Transportation of Explosive Materials.

Subsection (a).

Existing subsection (a) requires that vehicles transporting explosive materials be marked at specified locations with signs of a minimum size and color.

This subsection is proposed for repeal as the provisions of proposed Section 5262(d) and the provisions of Section 5266(d) and Section 5267(c) of the GISO address the intent of subsection (a). Therefore, this proposed action will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires that detonators and primers be locked and transported in Type 2 or Type 3 magazine until ready for use.

These provisions are proposed for transfer to proposed Section 5262(c) of the GISO. This proposed action will have no regulatory effect other than to retain existing CSO regulations within the GISO.

Subsection (c).

Existing subsection (c) requires that vehicles used for the transportation of explosive materials will be substantially constructed, be in good working order, have tightly constructed beds, and the sides and ends will be high enough to prevent the explosive material

from falling off. In addition, this subsection prohibits explosives from being exposed to sparking metal during transportation.

This subsection is proposed for repeal as proposed Section 5262(f) contains the provisions of subsection (c). Therefore, this proposed action will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) permits only the driver and those persons directly involved with the blasting operation to ride on the vehicle transporting the explosive materials.

This subsection is proposed for repeal as the provisions of subsection (d) are contained in proposed Section 5262(i) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) requires that the transfer of explosive materials from storage to the blasting site be done with the least delay.

The provisions of this subsection are proposed for transfer to proposed Section 5262(r) of the GISO. The proposed action merely ensures continuity of enforcement and therefore, the proposal will have no effect on the regulated public.

Subsection (f).

Existing subsection (f) requires that vehicles not operating under ICC or State Fire Marshal regulations will be equipped with at least 2 UL approved 10:B.C. rated fire extinguishers. The fire extinguishers are to be mounted in a conspicuous location and the operator shall be trained in their operation.

This subsection is proposed for repeal as proposed Section 5262(g) of the GISO addresses the provisions of subsection (f) and therefore, the proposed action will have no effect on the regulated public.

Subsection (g).

Existing subsection (g), which prohibits any unattended vehicle from being parked within 100 feet of an explosive materials magazine, is proposed for repeal as proposed Section 5262(m) of the GISO contains provisions regarding unattended vehicles containing explosive materials. Therefore, this proposed action will have no effect on the regulated public.

Subsection (h).

Existing subsection (h) requires the driver of a vehicle transporting explosive materials to be familiar with the local, state and federal regulations governing the transportation of explosive materials.

This subsection is proposed for repeal as proposed Section 5262(i) addresses the provisions of subsection (h) and therefore, the proposed action will have no effect on the regulated public.

Subsection (i).

Existing subsection (i) prohibits any source of ignition to be carried in or near any vehicle transporting explosive materials.

This subsection is proposed for repeal as the provisions of subsection (i) are contained in proposed Section 5262(p) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (j).

Existing subsection (j) prohibits transporting flammable liquids in the vehicle's cargo space with explosive materials.

This subsection is proposed for repeal as the provisions of subsection (j) are contained in proposed Section 5262(o) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (k).

The provisions of existing subsection (k), which prohibit the taking of a vehicle or conveyance carrying explosive materials inside a garage for repairs or servicing, has been transferred to proposed Section 5262(k). This proposal merely ensures retention of a regulation that presently does not exist in the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (l).

Existing subsection (l) prohibits the use of flame or arc producing devices on vehicles carrying explosive materials.

Subsection (l) is proposed for repeal as this provision is contained in proposed Section 5262(j)(1) of the GISO and therefore, the proposed action will have no effect on the regulated public.

The "NOTE" to Section 1564 is informational and directs the reader to the California Vehicle Code, Division 14, for additional requirements for explosive transportation requirements on public roads and highways.

The "NOTE" is proposed for repeal as transporters of explosives on public highways and roads already have to be permitted by various agencies and are, or should be, knowledgeable of the California Vehicle Code requirements. In addition, the intent of the "NOTE" is stated in Section 5236 as proposed subsection (b)(2). Therefore, the proposed action will have no effect on the regulated public.

Section 1565. Handling and Use of Explosive Materials.

Subsections (a) through (e).

Existing subsections (a) through (e) prohibit any source of ignition within 50 feet of where explosives are to be handled, except those sources necessary to

light fuse or fire electric detonators in the area where the loaded holes are located; require that specific type tools be used to open certain types of powder containers; require paper cartons, sawdust, and other rubbish from explosive containers to be removed to a safe place and destroyed; prohibit the storage of explosive materials within 25 feet of an electric light or power circuit; and require all left over detonators, fuses, primers and other explosive materials to be promptly returned to the proper magazine(s).

These subsections are proposed for repeal as their provisions are already contained in proposed Section 5276(a) through (e), respectively, of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (f).

Existing subsection (f) requires that a positive method be provided to maintain a continuous record of the amount of explosive materials placed or removed (transferred) from each storage magazine. The date and signature of the person making the transfer is required.

The provisions of subsection (f) are proposed for transfer to proposed Section 5251(n) of the GISO. This action merely ensures retention of a regulation that presently does not exist in the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsections (g) through (i) and (k).

Existing subsections (g) through (i) and (k) require that primers not made up in a primer house are to be made up at a location at least 100 feet from any storage magazine and at a safe distance from other employees not involved in the blasting operations and also, the makeup or primer house shall comply with the design requirements of Section 5257 of the GISO; the loading of holes is not to start until all drilling is complete, drill holes are cleaned or blown out except when impractical; when loading and drilling operations are taking place simultaneously, at least 50 feet of separation is maintained between the operations; no vehicle traffic is permitted over loaded holes; and no explosive materials are to be abandoned.

These subsections are proposed for repeal as their provisions or intent are contained in proposed Sections 5257(c); 5278(a); 5278(c); and 5240(a), 5251(a), and 5278(s); respectively, of the GISO. Therefore, the proposed action will have no effect on the regulated public.

Subsection (j).

Existing subsection (j) requires that loaded holes shall not be left unattended.

It is proposed to transfer the requirement of subsection (j) to Section 5278 as new subsection (o)(2) as the proposed action merely ensures retention of a

regulation which presently does not exist in the GISO and therefore, the proposal will have no effect on the regulated public.

Subsection (l).

Existing subsection (l) prohibits fighting fires when the explosive materials are in imminent danger of contact with the fire. The regulation also requires that the employees be removed to a safe area and the fire area guarded against intruders.

It is proposed to transfer subsection (l) to Section 5276 as new subsection (l) of the GISO. This proposal ensures retention of the existing CSO regulation within the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (m).

Existing subsection (m) requires that insofar as possible, blasting operations above ground are to be conducted between sunrise and sunset.

This requirement is vague and ambiguous and therefore is proposed for repeal. In addition, this provision is also contained in Section 5291(a)(NOTE) of the GISO and is also proposed for repeal. For the above reason, the proposed action will have no effect on the regulated public.

Subsection (n).

Existing subsection (n) prohibits the use of black powder for construction blasting.

This subsection is proposed for transfer to proposed Section 5243(a)(8) of the GISO. This proposal will have no effect on the regulated public as the proposed action merely ensures retention of a regulation that does not exist in the GISO.

Subsection (o).

Existing subsection (o) prohibits leaving explosive materials unattended at the blast site.

It is proposed to transfer the requirement of subsection (o) to Section 5278 as new subsection (o)(1). This proposal will have no effect on the regulated public as the proposed action merely ensures retention of a regulation that does not exist in the GISO.

Subsection (p).

Existing subsection (p) prohibits employees from carrying detonators or primers on their person.

This subsection is proposed for repeal as its provisions are contained in Section 5268(a) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Section 1566. Blasting Signals.

Subsection (a).

Existing subsection (a) requires either the employer or licensed blaster to fix the time of blasting.

This subsection is proposed for repeal as its provision is contained in Section 5291(a) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires that prior to firing a shot, all persons in the danger area will be warned and ordered to a safe distance from the area. Also, a competent flagger is to be posted at all access points to the danger area.

This subsection is proposed for repeal as its provisions are contained in Section 5291(b) and (c) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) requires that a signal be given, that all surplus explosive materials are in a safe place, all persons and vehicles are at a safe distance or under sufficient cover, and that adequate warning has been given.

This subsection is proposed for repeal as its provisions are contained in Section 5291(b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) requires that the warning signal be given by a horn, whistle, or equivalent means, and be audible at the most distant point in the blast area. This subsection then gives what a warning, blasting and all clear signal is to consist of.

This subsection is proposed for transfer into the existing provisions of Section 5291(d) of the GISO. This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) requires that the blasting signals be posted at one or more conspicuous locations and employees are to be made familiar with the signals and instructed accordingly.

This subsection is proposed for transfer to the GISO in Section 5291 as proposed new subsection (e). This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

The "NOTE" to subsection (e) to direct the reader to other sections for return to site requirements is proposed for repeal as it is informational only and not a regulation and therefore, its repeal will have no effect on the regulated public.

Subsection (f).

Existing subsection (f) prohibits sounding the "ALL CLEAR" signal until the licensed blaster has inspected the blast area for misfires. In the event of a

misfire, the requirements of Section 1568 are to be complied with before the signal is sounded.

This subsection is proposed for transfer to the GISO in Section 5291 as proposed new subsection (f), with a reference to Section 5293, regarding steps to be followed in the event of a misfire. This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Section 1567. Explosive Materials, Loading Machines, and Methods.

Subsection (a).

Existing subsection (a) prohibits air loaders to be used to load dynamite and states that their use shall comply with Section 5280 of the GISO.

This subsection is proposed for repeal as its provisions are neither feasible nor an industry practice for air loading dynamite. It is not feasible because dynamite has high detonation sensitivity and not suitable to be loaded by air loaders. Also, it is not industry practice to air load dynamite. Therefore, the proposed repeal of subsection (a) will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires that all machines and tools not used for the loading of explosive materials be removed from the immediate location of the holes to be loaded before the explosives are delivered.

This subsection is proposed for repeal as its provisions are contained in Section 5278(a) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) limits the number of persons who may be present during loading operations and permits only the loading crew, inspection personnel, and authorized supervisory personnel within 50 feet of the loading area.

Subsection (c) is proposed for repeal as these provisions are contained in proposed Section 5278(d) of the GISO. Therefore, the proposed action will have no effect on the regulated public.

Subsections (c)(1) and (c)(2).

Existing subsections (c)(1) and (c)(2) contain requirements for an alternative plan when the 50 foot minimum distance cannot be maintained. The requirements include a written notice to the Division and time periods in which the plan is to be submitted, notice of receipt and notice of approval/disapproval are to be given, types of explosive to be used, storm detection provisions, and required traffic barriers.

It is proposed to transfer subsections (c)(1) and (c)(2) to the GISO in Section 5278 as proposed subsections (d)(1) and (d)(2)(A)–(D). This proposal will ensure retention of the existing CSO regulation within the GISO and therefore, it will have no effect on the regulated public.

Subsection (d) Springing Holes.

Existing subsections (d)(1) and (d)(2) prohibit the springing of boreholes within 100 feet of any loaded primary blast hole and require that sprung holes are either allowed to cool or are cooled artificially before they are loaded.

These subsections are proposed for repeal as their provisions are contained in proposed Section 5278(k) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Existing subsection (d)(3) prohibits the use of drop fuses or any other method that calls for igniting the fuse prior to final placement of the charge.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5278(l) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) requires that boreholes be blown or washed out when they are not clear before loading.

This subsection is proposed for repeal as its provisions are already contained in Section 5278(a) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (f).

Existing subsection (f) requires that the strength of a detonator be not less than a No. 6.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5278(f) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (g).

Existing subsection (g) requires that the detonator be encased in explosives when inserted into drill holes except when a safety primer or other acceptable means is used.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5278(g) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (h).

Existing subsection (h) allows only light tamping when loading explosives into a borehole. Also, primer(s) are not to be tamped.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5278(h)

of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (i).

Existing subsection (i) requires that explosive materials be confined in the blast hole with suitable incombustible stemming material.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5278(i) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (j).

Existing subsection (j) requires that wooden tamping poles have no metal parts other than nonferrous metal ferrules for extending the length of the pole.

This subsection is proposed for repeal as its provisions are contained in Section 5277(c) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (k).

Existing subsection (k) requires that the end of a tamping pole be kept square and of such size as not to bypass the cartridges in the hole.

This subsection is proposed for repeal as its provisions are contained in Section 5277(b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (l).

Existing subsection (l) permits only approved plastic poles to be used.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5277(a) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Also, subsection (l) contains a “NOTE” which explains why some plastics cannot be used for tamping explosives. The “NOTE” to subsection (l) is proposed for repeal as it is already addressed in existing Section 5277(d) Note that is proposed for transfer as a new “NOTE” to proposed Section 5277(a) and therefore, will have no effect on the regulated public.

Section 1568. Misfires.

Subsection (a).

Existing subsection (a) requires that the shot area be examined for misfires after each blast and, if misfires are found or suspected to exist, they shall be reported to the appropriate person.

This subsection is proposed for repeal as its provisions are already contained in Section 5293(a) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires, where possible, that the number of explosive charges in each blast are to be counted and compared to the number of explosions heard.

This subsection is proposed for repeal as it is vague, in addition to the fact that it is not possible to accurately count the number of explosions in a blast sequence. This proposed action will have no effect on the regulated public as the regulation has not been actively enforced.

Subsection (c).

Existing subsection (c) requires a 30 or 60 minute wait, depending on the type of initiating system used, if a misfire occurs. Included in the regulation are two methods by which the misfire can be neutralized.

This subsection is proposed for repeal as its provisions are contained in Section 5293(b) and subsections (b)(1) and (b)(2) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) prohibits the drilling of blast holes if there is the danger of intersecting a charged hole of misfired explosives.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5293(d) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) prohibits any other work to take place in the area during the mitigation of a misfire. Only the necessary crew is to be on site.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5293(e) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Section 1569. Secondary Blasting.

Existing subsections (a) and (b) prohibit activity of any kind that creates a hazard to explosives during secondary blasting operations and require the use of detonating fuse or instantaneous blasting caps when shots to be fired are in such close proximity that one shot could displace another.

These subsections are proposed for repeal as their provisions are contained in Section 5292(a) and (b), respectively, of the GISO and therefore, the proposed action will have no effect on the regulated public.

Section 1570. Ammonium Nitrate.

Subsection (a).

Existing subsection (a) requires that ammonium nitrate be stored as required by a listed table.

This subsection is proposed for repeal as its provisions are contained in Section 5253(a) of the

GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires that bags that have contained ammonium nitrate are to be kept distant from wooden buildings and destroyed after emptying.

It is proposed to transfer subsection (b) to the GISO in proposed Section 5240 as new subsection (h). This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

The "NOTE" to subsection (b) contains information regarding the characteristics of ammonium nitrate when mixed with carbonaceous material.

This "NOTE" is proposed for repeal as the information is already contained in Section 5253(d)(NOTE) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Section 1571. Fuse Blasting.

Subsection (a).

Existing subsection (a) delineates the minimum parameters for testing and determining the average burning rate for safety fuse. The regulation also requires that a notice be prominently displayed at the work location stating what the fuse-burning rate is.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5295(b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires that only waterproof ring type crimps or waterproofing compound be used in wet work. The use of oil or grease is prohibited.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5297(e) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) requires that when safety fuse is capped, at least one inch of the fuse be cut from the coil of fuse to preclude the possibility of a damp end being put into the cap.

This subsection is proposed for repeal as its provisions are contained in Section 5297(a) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) requires that the fuse end be squarely cut and gently seated without twisting, and prohibits the use of a half hitch to secure the capped

fuse to the cartridge. A “NOTE” is included recommending that a string tie method be used to secure the fuse to the cartridge.

The portion of existing subsection (d) regarding the square cutting of the fuse end is proposed for transfer to the GISO in proposed Section 5297 as new subsection (d). This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public. In addition, that portion of existing subsection (d) regarding the securing with a half hitch is proposed for repeal as its provisions are contained in proposed Section 5297(f) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Further, the “NOTE” following subsection (d) is proposed for repeal as Section 5297 proposes to revise the diagram showing the recommended methods of attaching capped fuse to primer cartridge. Therefore, this proposed repeal will have no effect on the regulated public as the provisions of the “NOTE” will be contained in the revised diagram of Section 5297.

Subsection (e).

Existing subsection (e) requires that only a cap crimper designed for the purpose shall be used to attach the blasting cap to a fuse.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5297(c) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (f).

Existing subsection (f) requires that the fuse be cut long enough to extend past the collar of the hole, but in no case will the fuse be less than 3 feet in length.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5298(a)(4) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (g).

Existing subsection (g) prohibits the use of damaged fuse.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5295(d) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (h).

Existing subsection (h) requires that the fuse be cut and capped at a location properly equipped and suited for such work.

Subsection (h) is proposed for transfer to the GISO in proposed Section 5297 as new subsection (d). This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Subsection (i).

Existing subsection (i) requires that caps are to remain in the original shipping container until they are to be used.

This subsection is proposed for repeal as its provisions are already contained in Section 5297(b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (j).

Existing subsection (j) gives the parameters to be considered when lighting safety fuses and requires that no charge will detonate sooner than 2 minutes after the last fuse has been ignited. In addition, this subsection states that when 2 or more safety fuses in a group are lighted as 1 fuse, they may be considered as 1 fuse.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5298(a)(2), (a)(7), and (a)(6), respectively, of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (k).

Existing subsection (k) requires that 60 minutes elapse before entering the blast area if it is believed that not all charges have exploded.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5293(b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

The “NOTE” to subsection (k) refers to Section 1568. This “NOTE” is unnecessary as Section 1568 is proposed for repeal as its provisions are already contained in Section 5293(b) and therefore, will have no effect on the regulated public.

Section 1571.1. Use of Detonating Cord.

Existing Section 1571.1 contains the requirements for the selection, handling, and use of detonating cord. These requirements include, as examples, types of damage to be avoided, cord connections, inspections, and when the cord is to be brought into the blast area.

Section 1571.1 is proposed for transfer verbatim into the GISO as new Section 5298.1, Use of Detonating Cord. This proposal is to ensure retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Section 1571.2. Underwater Blasting.

Existing Section 1571.2 contains the requirements to be followed when conducting underwater blasting operations. These requirements include, as examples, dissimilar metal are not to be used, no vessel is to be within 1500 feet of the blast area, there is to be no swimming or diving in the blast area, blasting flags are to be displayed, etc.

Section 1571.2 is proposed for transfer verbatim into the GISO as new Section 5308, Underwater Blasting. This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Section 1571.3. Blasting in Excavation Work Under Compressed Air.

Existing Section 1571.3 prohibits the storage of explosive materials in caissons; prohibit employees, with the exception of the licensed blaster, lock tender and powder crew, from being in the air lock when explosive materials are present; specifies when detonators and explosives may be taken into pressure working chambers; specifies the responsibilities of the licensed blaster; specifies the type of explosive materials to be used; and requires bonding and grounding at or near the portal of all metal pipes, tracks, air locks and steel tunnel lining, with a maximum allowable distance between cross-bonding points.

Section 1571.3 is proposed for transfer verbatim into the GISO as new Section 5307, Blasting in Excavation Work Under Compressed Air. This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Section 1572. Deteriorated or Damaged Explosives.

Subsection (a).

Existing subsection (a) prohibits the use of explosive materials that could freeze at temperatures that can reasonably be expected at the blasting location. A "NOTE" is included providing information that thawing explosives is hazardous and should be avoided and that firmness of explosives during cold weather does not necessarily indicate they are frozen.

This subsection is proposed for repeal as its provisions are contained in Section 5276 as new subsection (j) and proposed Section 5241(b) of the GISO and therefore, the proposed action will have no effect on the regulated public. The "NOTE" following subsection (a) is also proposed for repeal as it is informational only and therefore, this proposal will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires that a licensed blaster experienced in this type of work destroy deteriorated, damaged, or frozen explosive materials unfit for use. A "NOTE" is included recommending the explosive manufacturer be contacted for the most current product information and recommended disposal information.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5240(a) of the GISO and therefore, the proposed action will have no effect on the regulated public. The "NOTE"

following subsection (b) is also proposed for repeal as it is only a recommendation and Sections 5240 and 5241 of the GISO already address the disposal and use of frozen explosives and therefore, this proposal will have no regulatory effect.

Subsection (c).

Existing subsection (c) is specific in prohibiting the reuse of packing materials, and how and where they should be destroyed.

This subsection is proposed for repeal as its provisions are contained in Section 5276(c) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Section 1573. Electric Blasting.

Subsection (a).

Existing subsection (a) requires that the source of current for electric blasting be from one of three sources. In addition, this subsection states that when using light or power circuits, caps are to be connected in series, parallel, or a combination of the two. Also, caps to be fired using a blasting machine are to be connected in accord with the number and arrangement as designated by the machine manufacturer.

The portion of existing subsection (a) pertaining to the source of current is proposed for repeal as those provisions are contained in proposed Section 5299(b) and therefore, will have no effect on the regulated public. The latter portion of these provisions is proposed for transfer to Section 5299 as new subsection (c) of the GISO. This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) prohibits the use of safety fuse where it would be difficult for the worker to reach adequate shelter within the time allowed by a burning fuse.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5298(a)(3) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) requires that all blasting caps in a circuit be of the same manufacturer.

Subsection (c) is proposed for repeal as similar provisions are contained in existing Section 5278(u) that is proposed for transfer to proposed Section 5299(j) of the GISO. Therefore, this proposed action will have no effect on the regulated public as this provision is already contained in the GISO.

Subsection (d).

Existing subsection (d) contains distance requirements for the blasting line and power and light lines. In addition, this subsection contains precautions, such as securing wire with mats to prevent lead wires from coming into contact with energized electrical lines and running the lead and blasting wires at 90 degree angles to the high voltage lines to reduce unexpected blasts from induced current.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5276(d) and proposed Section 5279(a) and (b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) prohibits the use of ground or grounded wires to carry the blasting circuit current.

This subsection is proposed for repeal as its provisions are already contained in proposed Section 5299(f) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (f).

Existing subsection (f) requires that permanent blasting lines, safety switches, and blasting switches be maintained in proper condition for service.

This subsection is proposed for repeal as its provisions are contained in proposed Sections 5300 through 5304 of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (g).

Existing subsection (g) requires that shot firing equipment be located where the operator is protected from the hazard of flying debris caused by the blast.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5291(b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (h).

Existing subsection (h) requires the licensed blaster to conduct a survey for extraneous currents prior to loading the holes. If found, dangerous currents are to be eliminated prior to loading the holes.

The provisions of this subsection are proposed to be transferred into the GISO as proposed Section 5299(a). This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Subsection (i).

Existing subsection (i) requires the connection and leading wires to be insulated solid copper or aluminum wire in good condition and of sufficient size to carry the necessary capacity.

This subsection is proposed for repeal as its provisions are already contained in Section 5302(a) of

the GISO and therefore, the proposed action will have no effect on the regulated public.

Section 1573.1. Blasting with Light or Power Circuit.
Subsection (a).

Existing subsection (a) requires that when a light or power source is used for firing shots, the electrical connections will be made in an approved weatherproof enclosure.

Section 1573.1(a) is proposed for transfer into the GISO in Section 5304 as new subsection (b). This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) contains specific requirements and procedures regarding the blasting switch, blasting switch attachment plug, and blasting wires that are to be followed when blasting by means of an electrical circuit.

Section 1573.1(b) is proposed for transfer into the GISO in proposed Section 5304 as new subsection (f). This proposal ensures retention of the existing CSO regulations within the GISO and therefore, will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) contains requirements pertaining to the use of two-pole attachment plugs, minimum flexible cord wire size, minimum amperage capacity, locking plug and receptacles, and other related electrical safety concerns regarding the electrical connections.

This subsection is proposed for repeal as its provisions are contained in existing Section 5300(a) and (b) and existing Section 5302(a) and (b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

In addition, this subsection contains two informational "NOTES". The first "NOTE" exempts portable generators used exclusively for blasting. The second "NOTE" directs the reader to a blasting circuit diagram in Appendix C, Plate C-27. In regards to the first "NOTE", this "NOTE" is proposed for repeal as it is unnecessary as the regulation is specific to lighting a power circuit. Therefore, this proposal will have no effect on the regulated public. In regards to the second "NOTE", this "NOTE" is proposed for repeal as it is informational only and directs the reader to the blasting circuit diagram. Therefore, this proposal will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) requires the keys to the blasting switch be kept by the licensed blaster and states who is to unlock and remain at the switch during circuit testing, repairs or extensions. There are also

requirements for re-locking the blasting switch, designating someone to report back to the licensed blaster, surrender of the keys and location of a second set of keys.

Section 1573.1(d) is proposed for transfer to the GISO in Section 5299 as new subsection (k). This proposal ensures retention of the existing CSO regulations within the GISO and therefore, will have no effect on the regulated public.

Section 1573.2. Permanent and Temporary Wiring for Electric Shot Firing.

Subsection (a).

Existing subsection (a) requires that permanent blasting and temporary leading wires are to be single conductor, waterproof, and insulated copper wires with sufficient capacity for the required blasting current. In addition, this subsection states that in no case will the wire be smaller than No. 14 AWG.

This subsection is proposed for repeal as its provisions are contained in existing Section 5302(a) and (d) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires that splices be made and connected to conduct electricity and be mechanically secured, effectively insulated, and waterproofed.

This subsection is proposed for repeal as its provisions are already contained in existing Section 5302(e) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) requires that bus wires be not smaller than No. 16 AWG solid copper wire or the equivalent that is recommended by the manufacturer for the expected conditions.

This subsection is proposed for repeal as the requirements contained in existing Section 5302(d) of the GISO regarding the use of the larger gage wire are those followed by the industry, per advisory committee, and therefore, the proposed action will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) requires that firing switches be the type, condition, and in the location for service intended; requires that they are equipped with double poles and are double throw switch with not less than sixty ampere capacity; and states other requirements to ensure the switch can be locked in specified conditions and other precautions to prevent inadvertent activation which could result in a premature activation.

This subsection is proposed for repeal as its provisions are contained in existing Section 5300(a)

and existing Section 5301 of the GISO and therefore, the proposed action will have no effect on the regulated public.

Section 1574. Use of Blasting Machine.

Existing Section 1574 prohibits anyone except the licensed blaster or a blaster in training from operating or making the connections to the blasting machine. Also, the regulation prohibits circuit-connecting work to be accomplished until all other preparations are completed and all persons are safely located. Machine testing is to be done at intervals determined by the licensed blaster.

This section is proposed for repeal as its provisions are contained in proposed Section 5305 of the GISO. Therefore, the proposed action will have no effect on the regulated public.

Section 1575. Blasting with Battery.

Existing Section 1575 prohibits the use of storage and flashlight batteries as a source of electric current for blasting.

This section is proposed for repeal as its provisions are currently contained in existing Section 5299(b) of the GISO that is proposed for repeal. The intent of this regulation is contained in proposed Section 5299(b) of the GISO which indicates that only devices designed for initiating electric detonation will be permitted for use. Therefore, the proposed action will have no effect on the regulated public.

Section 1576. Short-Circuiting Bus Wires and Lead Wires.

Existing Section 1576 requires that blasting cap leg wires be kept short-circuited until connected to the bus wires. In addition, the bus wires are to be shorted until connected to the lead wires. The bare end of the lead wires are to be twisted together until ready for connection to a switch, blasting wires or blasting machine. Also, included is a "NOTE" describing how the bus wire connection should be made.

This section is proposed for repeal as its provisions are contained in Section 5299(i) of the GISO. The "NOTE" to Section 1576 is also proposed for repeal as it is a recommendation and informational only. Therefore, the proposed action will have no effect on the regulated public.

Section 1577. Tests.

Existing Section 1577 requires the blasting circuit to be tested prior to firing the shots. Also, this regulation states that a galvanometer designed for blasting work shall be used.

Section 1577 is proposed for repeal as its provisions are contained in proposed Section 5299(h) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Section 1578. Retreat from and Return to Site.**Subsection (a).**

Existing subsection (a) prohibits the connection of lead wires to the permanent shot firing line until all personnel are at a safe location, with the exception of the person making the connection. In addition, this regulation states all unnecessary work at the site will be terminated during and after loading, before the shots are fired.

This subsection is proposed for repeal as its provisions are contained in Sections 5304(d) and 5305(b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires a wait of at least 5 minutes before entering the point of blasting when electric blasting. The blasting switches are to be neutralized, locked in the off position, portable cords disconnected and the blasting wires shorted. Upon returning to the site, lead wires are to be disconnected from the end of the shot firing line and the ends shorted together.

The portion of existing subsection (b) requiring at least a five minute wait after electric blasting before returning to the point of blasting is proposed to be transferred to proposed Section 5291 as new subsection (j) of the GISO. This proposed action will have no effect on the regulated public as it merely retains an existing CSO regulation in the GISO. The provisions of this subsection that address locking of the switch, disconnecting the portable cord, and shorting the blasting wires are proposed for transfer to Section 5304(f). This proposal will have no effect on the regulated public as it merely retains an existing CSO regulation in the GISO.

The provision of this subsection that requires lead wires be disconnected from the end of the permanent shot firing line is proposed for repeal as this provision is addressed in Section 5305(c). This provision duplicates the requirement of Section 5305(c) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Section 1579. Electric Blasting in Proximity with Radio Transmitters.**Subsection (a).**

Existing subsection (a) requires that electric blasting caps be retained in their original shipping containers or connected up for use within the specified distances contained in Appendix B, Plate B-15, Tables 1 through 5.

This subsection is proposed for repeal as its provisions are contained in proposed Sections 5262(e) and 5306(c) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsection (b).

Electric blasting caps are not to be transported in any vehicle equipped with a radio telephone or other radio transmitter unless they are still packed in their original container or in a metal covered box.

This subsection is proposed for repeal as its provisions are contained in proposed Section 5262(b) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Subsections (c) through (e).

Existing subsections (c) through (e) contain the requirements for signing the approaches to areas where electric blasting operations are underway; where the signs are to be posted on public access; and the tables of distances for mobile and fixed radio, radar and television transmitters.

The provisions of subsection (c) regarding sign readings are proposed for transfer into existing Section 5306(a) of the GISO. This proposal ensures retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public. The other provisions of subsection (c) regarding the specific color of the letters, the height of the letters, the size of the stroke of the letters, and the color of the sign's background are proposed for repeal. These provisions are already specified in the GISO that contains the uniform specifications of the color and size of the letters and the color of the sign's background, specifically, Sections 5258(e), 5266(d), 5267(c), 5346(b), 5348(i), 5312(m), 5314(d), and 5347(c). This proposal will eliminate the conflict between the other existing regulations regarding signage requirements and therefore, will have no effect on the regulated public.

Subsections (d) and (e) are proposed for repeal. These provisions are already contained in proposed Section 5306(b) and (c) and the accompanying Tables 1 through 5 of the GISO and therefore, the proposed action will have no effect on the regulated public.

A "NOTE" to subsection (c) refers the reader to the State Department of Transportation, Manual of Traffic Controls for specific sign requirements. This "NOTE" is proposed for repeal as it is informational only and therefore, this proposal will have no effect on the regulated public.

Section 1580. Electrical Storms.

Existing Section 1580 prohibits electric blasting or preparation for blasting during an electrical storm and also states that all workers are to be removed from the site if loading is in progress when the storm arrives. In addition, this section states that provisions are to be made to warn crews when an electrical storm is approaching. A "NOTE" stating that an AM radio may be helpful to check on an approaching storm follows the regulation.

The first portion of this regulation pertaining to work during electric storms is proposed for repeal as its provisions are contained in proposed Section 5245(a) of the GISO and therefore, the proposed action will have no effect on the regulated public. In addition, the latter portion of this regulation is proposed for transfer to proposed Section 5245 as new subsection (b) to ensure retention of the existing CSO regulation within the GISO and therefore, will have no effect on the regulated public.

As stated above, the "NOTE" is informational only and its proposed repeal will have no effect on the regulated public.

Appendix B, Plate B-14, Table 1.

Table 1 is the American Table of Distances for Storage of Explosive Materials. This table contains the parameters for the storage of explosive materials for specified quantities, when barricaded or unbarricaded, from inhabited buildings, public highways, passenger railways, and other explosive materials storage magazines.

It is proposed to transfer Table 1 to the GISO and rename it as Table EX-1 for consistency and to replace the existing Table EX-1 of the GISO with the CSO table, as it is the latest published table of distances. This proposed transfer and substitution will have no effect on the regulated public as this latest published version of the CSO table is already required for use by the Bureau of Alcohol, Tobacco and Firearms, the lead agency for the enforcement of explosive storage regulations.

Appendix B, Plate B-14, Table 2.

Table 2 requires specified barricade thickness between different quantities of ammonium nitrate and blasting agents.

This table is proposed for repeal as it is already located in the GISO as Table EX-2 in Section 5253 and therefore, the proposed action will have no effect on the regulated public. The existing Table EX-2 in Section 5253 of the GISO is proposed for transfer to Section 5252 of the GISO to follow Table EX-1.

Appendix B, Plate B-14a.

Plate B-14a shows the types of storage facilities where classes of explosive materials may be stored.

This table is proposed for transfer to the GISO as proposed Table EX-3 and to be revised for clarity. Proposed Table EX-3 of the GISO contains additional information showing that Class A, B, and C Explosives can be classified as either high or low explosives. This proposal ensures retention of the existing CSO table within the GISO with additional information and therefore, will have no effect on the regulated public.

Appendix B, Plate B-15, Tables 1 through 5.

Tables 1 through 5 contain minimum distance requirements for conducting electrical blasting opera-

tions in the vicinity of fixed and mobile radio, television, and radar transmitters.

Tables 1 through 5 are proposed for repeal. These provisions are already contained in Section 5306 and accompanying Tables 1 through 5 of the GISO and therefore, the proposed action will have no effect on the regulated public.

Appendix C, Plate C-26-a

Plate C-26-a contains recommended methods of attaching capped fuse to primer cartridges. There are two drawings, one showing a string tie method and the other showing a laced method.

This plate is proposed for repeal as these drawings duplicate what is in Section 5297, Making Capped Fuses and Primers, of the GISO. Therefore, the proposed action will have no effect on the regulated public.

Appendix C, Plate C-27

Plate C-27 contains a blasting circuit diagram.

This diagram is proposed for transfer into Section 5302 of the GISO with a minor terminology revision to provide a third example of a blasting circuit. This proposed transfer and minor revision to revise the word "shots" to "detonators" will have no effect on the regulated public as this proposal merely retains an existing CSO example of a blasting circuit diagram in the GISO and provides consistent industry terminology.

Subchapter 7. General Industry Safety Orders.

This proposal consolidates the explosive regulations from the Construction Safety Orders, Mine Safety Orders, and Tunnel Safety Orders into one location in the General Industry Safety Orders, making it more convenient for the user.

Group 18. Explosives and Pyrotechnics.

The title to Group 18 informs the employer/reader of the subject matter within the regulations. The regulations address specific requirements for explosives and pyrotechnics. It is proposed to substitute the term "Explosive Materials" for the existing title. This term is all-inclusive regarding the subject matter within Group 18. The proposed revision will have no effect on the regulated public as this term is already in common usage among those to whom these regulations are addressed.

Article 113. Explosive Materials and Pyrotechnics.

The title to Article 113 informs the employer/reader that the subject of Article 113 is explosive materials and pyrotechnics. It is proposed to delete the reference to the phrase "and Pyrotechnics" because the term "Explosive Materials" includes pyrotechnics. This proposed revision will have no regulatory effect as the regulated public already acknowledges that pyrotechnics is a sub-element of explosive materials.

Section 5236. Purpose.

Subsection (a).

Existing subsection (a) indicates that Group 18 establishes minimum standards for the manufacture, assembly, possession, storage, transportation, and use of explosive materials and pyrotechnics at places of employment.

Revisions are proposed to subsection (a) to include the phrase “repacking and distribution” of explosive materials within the scope of these regulations. This proposal will require employers engaged in the repackaging and distribution of manufactured explosive materials to comply with the applicable regulations contained in Group 18, Article 119. In addition, it is proposed to delete the reference to the phrase “and pyrotechnics” because the term “explosive materials” includes pyrotechnics. This proposed revision will have no regulatory effect as the regulated public already acknowledges that pyrotechnics is a sub-element of explosive materials.

Subsection (b).

Existing subsection (b) contains exemptions to the Group 18 regulations.

Existing subsection (b)(2) exempts transportation of explosive materials under the jurisdiction of the US Department of Transportation (USDOT) and where the USDOT regulations are enforced by the California Highway Patrol.

A revision is proposed to subsection (b)(2) to delete the phrase “or pyrotechnics” because the term “Explosive Materials” includes pyrotechnics. Therefore, this proposal will have no effect on the regulated public as the reference to “pyrotechnics” is unnecessary. Also, it is proposed to include references to the permit sections of the Health and Safety Code and the California Vehicle Code to specify what Codes apply. In addition, a revision is proposed to delete the reference to “and where USDOT regulations are enforced by” as this statement is vague and ambiguous and therefore, will have no effect on the regulated public. This proposal provides clarification and will have no effect on the regulated public as the California Highway Patrol is already mandated by California’s legislature and by agreement with USDOT to enforce these regulations on the public roads of California.

Existing subsection (b)(4) exempts construction or tunnel projects from these orders.

It is proposed to repeal the exemption for construction and tunneling projects to require compliance with the applicable orders within Group 18. The proposed revision will have no effect on the regulated public as all construction and tunnel explosive regulations are proposed for adoption into the General Industry Safety Orders making it more convenient for the user.

Section 5237. Definitions.

Existing Section 5237 contains definitions of terms used within the GISO regulations to ensure the devices and/or processes addressed within the regulations are clearly defined and understood.

It is proposed to revise Section 5237 to propose new definitions and definitions new to the GISO that are proposed for transfer from the CSO, MSO, and/or TSO; to revise existing definitions; and to repeal definitions to reflect changing industry practices, technology, terminology, or classification of materials. This proposal includes new definitions to the GISO, clarifies existing regulations, and removes definitions no longer applicable to the explosives industry.

The following are proposed **new** definitions: Air Loader (transferred from existing Section 1504 of the CSO and existing Section 6958 of the MSO); Air Supply Lines (transferred from existing Section 6958 of the MSO and existing Section 8405 of the TSO); ATF; Binary Components; Blast Site; Bus Wires; Car; Deflagration; Detonation; Emulsion; Face or Bank (new definition to the GISO and contained in the MSO); Face—Underground (new definition to the GISO and contained in the MSO and the TSO); Fume Classification (refer to existing Section 5244 of the GISO, existing Section 7206 of the MSO, and existing Section 8510 of the GISO); IME; Loading Hose (transferred from existing Section 6958 of the MSO and existing Section 8405 of the TSO); Loading Line (transferred from existing Section 6958 of the MSO and existing Section 8405 of the TSO); Loading Tube (transferred from existing Section 6958 of the MSO and existing Section 8405 of the TSO); Mudcapping (transferred from existing Section 6958 of the MSO and existing Section 8405 of the TSO); Permanent Blasting (Leading) Wires; Permissible (new definition to the GISO and contained in the MSO and the TSO); Pneumatic Loading; Processing; Propagation (Sympathetic Detonation); Remote Operation; Safety (Blast) Shield (transferred from “Operating Shield” in existing Section 5237 of the GISO); Sensitizer; Special Effects; Static Dissipating (transferred from existing Section 6958 of the MSO and existing Section 8405 of the TSO); Trackless Vehicle; and, Train.

Revisions are proposed to the following existing definitions: ANFO; Barricade-Artificial; Barricaded; Blast Area; Blaster; Blasting Accessories; Blasting Agent; Blasting Cap (transferred and revised under “Detonator, (1) Fuse Caps” in Section 5237 of the GISO); Blasting Circuit; Blasting Machine; Blasting Operation; Bullet Resistant; Cap Crimper; Competent Person; Detonating Cord; Detonator; Electric Blasting Cap (transferred under “Detonator” in Section 5237 of the GISO); Electric Delay Blasting Caps (transferred under “Detonator” in Section 5237 of the GISO); Nonelectric Delay Blasting Cap (transferred

under “Detonator” in Section 5237 of the GISO as “Shock Tube, Gas Initiation, or Miniaturized Detonating Cord Blasting Caps”); Explosive Materials; Explosives; Fireworks; Forbidden or not Acceptable Explosives; Fuse Safety; Highway; Igniter Cord; Special Industrial Explosive Devices; Special Industrial Explosive Material; Inhabited Building; Intraline Distance; Leading Wires; Magazine; Missed Hole; Operating Building; Primary Blasting; Primer; Propellant; Propellant-Actuated Power Devices; Pyrotechnics; Secondary Blasting; Slurry Explosives (transferred with revisions from existing Section 6958 of the MSO and existing Section 8405 of the TSO); Small Arms Ammunition; Springing; Squib-Electric; Stemming Material; Underground; and, Water Gels.

The following definitions are proposed for **repeal**: Chlorate Explosives (transferred under “Explosives Chlorate” in Section 5237 of the GISO); Division; Nitro-Carbo-Nitrate; Operating Shield (transferred under “Safety (Blast) Shield” in Section 5237 of the GISO); and, Tramway.

Section 5238. Minors.

Existing Section 5238 [provisions are contained in existing Section 7200 of the MSO and existing Section 8505 of TSO] contains provisions regarding the employing of persons under the age of eighteen years for handling, transporting or engaging in activities using explosives.

This regulation is proposed for repeal as Labor Code, Section 1294 contains restrictions regarding the use of minors within industries using hazardous materials. Therefore, this proposed action will have no effect on the regulated public as it is unnecessary.

It is proposed to revise the title of Section 5238 to read “Competency and Qualifications of Blaster” to comply with Labor Code, Section 7990 which requires the Division to determine qualifications for persons seeking an “explosive blaster’s license.” This proposed action will have no effect on the regulated public as the proposal merely indicates the topic of the regulation.

Subsections (a) and (b) and New Subsections (c)–(e).

These subsections are proposed for revisions to require: (a) that a “licensed blaster” having a valid blaster’s license be on-site to accomplish or direct, and supervise blasting operations; (b) that the blaster is physically capable of conducting the operation; (c) that the blaster can communicate and understand written and oral orders; (d) that the blaster be able to furnish evidence of competency in the use and handling of explosive materials; and (e) that the blaster provide on request proof of a valid blaster’s license upon request by the Division or other authority having jurisdiction.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1550(a), (b), (c)(NOTE), (e), and (f) of the CSO; existing Section 7275(a), (b), and (c), existing Section 7276(b), and existing Section 7279(a) and (b) of the MSO; and existing Section 8560(a), (b), and (c) and existing Section 8564(b) of the TSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (f).

A new subsection (f) is proposed to address the qualifications needed prior to applying for a blaster’s license. This regulation will require that an applicant for a blaster’s license is at least 21 years of age. The applicant will have at least three years of experience in the type of blasting the license will apply to, and meet the requirements of subsections (b) and (c) with respect to physical condition and the ability to communicate effectively.

This proposed regulation will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 7276(a) and (c) of the MSO and existing Section 8561(a) and (c) of the TSO, to reflect the proposed reorganization of the explosive safety orders.

Section 5239. Training.

Existing Section 5239 [provisions are contained in existing Section 7201 of the MSO and existing Section 8506 of the TSO] requires all persons who handle or transport detonators or explosives to be trained in the hazards of the job and in the safe performance of their duties. It also requires that trainees be under the direct supervision of a competent person.

Revisions are proposed to the title of Section 5239 to include the phrase “and Trainees” as the regulation is proposed to be specific to trainees conducting blasting operations.

The substitution of the term “explosive materials” for “detonators” in Section 5239 is proposed to be consistent with current industry terminology. Also, it is proposed to include the phrase “conducting blasting operations” following the word “Trainees” in the second sentence as the regulation is proposed to clarify when the trainee is to be under the direct supervision of a licensed blaster. In addition, it is proposed to require the trainee to be under the supervision of a licensed blaster in lieu of a competent person.

The proposed revisions will have no effect on the regulated public as Labor Code, Section 6710 already requires blasting operations to be under the direct supervision of a licensed blaster.

Section 5240. Deteriorated Explosives.

Existing Section 5240 requires deteriorated, damaged or scrap explosives unfit for use be destroyed in a safe place by a competent person. The explosive is

never to be buried. [Similar provisions are proposed for transfer from existing Section 1572(b) of the CSO, existing Section 5241(c) of the GISO, existing Section 7202 of the MSO, and existing Section 8507 of the TSO.]

It is proposed to revise the title of Section 5240 to read “Disposal of Explosive Materials” to address the disposal of explosive materials. This proposed action will have no effect on the regulated public as the proposal indicates what the regulation already requires.

Subsection (a).

It is proposed to codify the existing introductory text as subsection (a).

Subsection (a) is proposed for revisions to include “frozen and contaminated” explosives; to insert terminology currently used by the regulated public; to insert an alternative to destroying explosive materials, referencing “desensitized or otherwise made safe”; and to delete the reference to safety provisions by the U.S. Bureau of Mines and the Institute of Makers of Explosives or other recognized authorities.

The inclusion of the terms “frozen” and “contaminated” explosives in proposed subsection (a) will have no effect on the regulated public as manufacturers recommend that frozen or contaminated explosive materials be disposed of. The provisions regarding “frozen” explosive materials also are contained in existing Section 1572(b) of the CSO and Section 5241(c) of the GISO. The proposed revisions to include “desensitized” and “otherwise made safe” permit the employer/user to use other methods to “neutralize” explosive materials other than outright destruction. The deletion of the references to the U.S. Bureau of Mines and the Institute of Makers of Explosives will have no effect on the regulated public as the users of explosive materials continue to depend upon the manufacturers/suppliers for information relating to use/disposal.

In addition, existing subsection (a) states that explosives shall never be buried or covered over by any materials as a means of disposal.

It is proposed to substitute the term “EXPLOSIVE MATERIALS” in place of the word “EXPLOSIVES” to reflect terminology commonly used in the industry. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

New Subsection (b).

A new subsection (b) [transferred from existing Section 5331(a) of the GISO and revised for clarity] is proposed to require the employer to ensure that the destruction site is located away from inhabited buildings, public highways, passenger railways, operating buildings, and all other explosives. Subsection

(b) also requires that the separation distance is not less than the distances for inhabited buildings contained in Table EX-1.

This proposal will have no effect on the regulated public as existing Section 5331(a) already requires these provisions.

New Subsection (c).

A new subsection (c) [transferred from existing Section 5331(c) of the GISO and revised for clarity] is proposed to require the employer provide a shelter or adequate protection for employees near the disposal area for emergency use.

This proposal will have no effect on the regulated public as existing Section 5331(c) already addresses the requirement for a shelter. The addition of the phrase “of adequate protection for employees” merely provides the employer the opportunity to use alternative methods for protection of employees. The substitution of the term “disposal” for “burn” area will have no effect on the regulated public as burning is merely a form of disposal.

New Subsection (d).

A new subsection (d) [transferred from existing Section 5331(d) of the GISO and editorially revised] is proposed to require the employer provide a warning device to be used when explosive materials are being destroyed.

This proposal will have no effect on the regulated public as existing Section 5331(d) already requires these provisions.

New Subsection (e).

A new subsection (e) is proposed to require that waste static sensitive explosive materials being transported is protected against the hazard of static electricity to prevent unwanted ignition or detonation.

This proposal will require the employer to develop procedures to eliminate all sources of static electricity when transporting waste static sensitive explosive materials.

New Subsection (f).

A new subsection (f) is proposed to require the employer to transport incompatible waste explosive materials in different containers or vehicles.

This proposal will require the employer to ensure that incompatible waste is segregated before it is transported.

New Subsection (g).

A new subsection (g) [transferred from existing Section 5331(b) of the GISO and editorially revised] is proposed which prohibits placing scrap explosive material at/in a burn location for at least 48 hours after the last burn.

This proposal will have no effect on the regulated public as existing Section 5331(b) already requires these provisions.

New Subsection (h).

A new subsection (h) [transferred from existing Section 1570(b) of the CSO] is proposed that prohibits the employer/blaster that uses bagged ammonium nitrate to make blasting agents from piling/storing the empty bags in or near wooden buildings.

This proposed revision will have no effect on the regulated public as existing Section 1570(b) already requires these provisions.

Section 5241. Explosives for Blasting.

Subsection (a).

Existing subsection (a) [provision is contained in existing Section 7203(a) of the MSO and existing Section 8508(a) of the TSO] contains a provision against the use of chlorate explosives in blasting operations.

Subsection (a) is proposed for revision to include "Perchlorate high" explosives as well as Chlorates in the prohibition for use as a blasting agent. This proposal prohibits employees/operators from using Chlorates and Perchlorate high explosives for blasting operations.

Subsection (b).

Existing subsection (b) [provision is contained in existing Section 7203(b) of the MSO and existing Section 8508(b) of the TSO] requires that low freezing explosives be of a type that will not freeze at any temperature that may reasonably be expected.

This subsection is proposed for revisions to editorially revise the syntax of the regulation and to delete an unnecessary modifier and therefore, will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) [provision is contained in existing Section 7203(c) of the MSO and existing Section 8508(c) of the TSO] advises the user to seek help from the manufacturer before using or attempting to use frozen explosives.

It is proposed to repeal subsection (c) as it is advisory only and not enforceable, and therefore, will have no effect on the regulated public. In addition, it is not industry practice to use explosive materials that have been frozen. The handling of frozen explosives is contained in proposed Section 5240(a) of the GISO.

Section 5242. Water Gels.

Existing Section 5242 [provisions are contained in existing Section 7204 of the MSO and existing Section 8509 of the TSO] requires that water gels containing an explosive be classified as an explosive; water gels containing no explosives which are cap sensitive be classified as an explosive, to be manufactured,

transported, stored and used as specified for explosives; and water gels containing no substance in itself classified as explosives, and, which are not cap sensitive, be classified as blasting agents, to be manufactured, transported, stored and used as required for blasting agents.

Subsection (a).

It is proposed to revise subsection (a) to include the term "Cap sensitive" before the term "water gels" and to include the phrase "and those" to incorporate the requirements of existing subsection (b) into subsection (a). Also, it is proposed to include the modifier "high" before the word "explosive" and to editorially delete the word "an" to be consistent with the explosive industry's classification of these types of explosive materials. This proposal will have no effect on the regulated public as it combines the similar requirements of subsections (a) and (b) into subsection (a) and thereby, combines similar requirements in subsection (b).

Subsection (b).

Existing subsection (b) contains requirements similar to those in subsection (a) and therefore, is proposed for transfer into subsection (a) of Section 5242 to combine similar requirements. This proposal will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) states that water gels containing no substance in itself classified as an explosive and which are not cap-sensitive as defined in Section 5237 under "Blasting agents" shall be classified as blasting agents and manufactured, transported, stored, and used as specified for blasting agents in this article.

It is proposed to revise subsection (c) to include reference to Article 120 that contains requirements for mixing blasting agents. This proposal will have no effect on the regulated public as Article 120 also covers the manufacturing of water gels.

Section 5243. Black Powder Blasting.

Existing Section 5243 [provisions are contained in existing Section 7205 of the MSO] contains specific requirements for the precautions necessary when using black powder for blasting.

New Subsection (a).

Editorial revisions are proposed to renumber the subsections, to remove specific gender references, and to include the term "licensed blaster" in subsection (a)(2) to be consistent with Labor Code, Section 7990 and the Division's Administrative regulation, Section 344.20.

These provisions are editorial and reflect current industry terminology, and therefore, will have no effect on the regulated public. The proposal to include

the term “licensed blaster” will have no effect on the regulated public as Labor Code, Section 7990 and the Division’s Administrative regulation, Section 344.20 already require blasters to be licensed by the Division.

Subsection (a)(5), which prohibits a bonfire within 500 feet of any black powder not stored within a magazine, is proposed for revision to delete the term “Bon” from “Bonfires” to recognize all fire related sources of ignition are prohibited within 500 feet of any black powder not stored within a magazine. This proposed revision will have no effect on the regulated public as a “bonfire” is nothing more than a special term for a large fire built in the open air.

Subsection (a)(8) is proposed for revision to prohibit the use of black powder for construction blasting. This prohibition is proposed for transfer from existing Section 1565(n) of the CSO. This proposal will have no effect on the regulated public as this provision is proposed for transfer from existing Section 1565(n) of the CSO to reflect the proposed reorganization of the explosive safety orders.

Section 5244. Explosives for Underground Use.

Existing Section 5244 [provisions are contained in existing Section 7206 of the MSO and existing Section 8510 of the TSO] contains the specifications for determining fume classification for explosives used underground.

Subsection (a)

Existing subsection (a) requires that the explosives be classified according to the volume of oxygen, carbon monoxide, and hydrogen sulfide produced by a standard cartridge.

This subsection is proposed for repeal. This proposal will have no effect on the regulated public as revised subsection (a), existing subsection (c), of Section 5244 addresses the classification and use of explosive materials.

Subsection (b).

Existing subsection (b) describes a standard cartridge. Also, this subsection states that where explosives are not packed in a standard cartridge for testing, then the volume must be comparable to that contained in a standard cartridge.

This subsection is proposed for repeal. The proposal will have no effect on the regulated public as the fume test is performed by the manufacturer and the necessary test criterion is contained in revised subsection (a), existing subsection (c), of Section 5244.

Subsection (c).

Existing subsection (c) requires that the necessary test be performed in a Bichel Gauge according to the standard procedure of the U.S. Bureau of Mines.

Revisions are proposed to indicate what the tests are to determine, referencing the table within Section 5244; to delete an unnecessary phrase that refers to this section; to delete the phrase “in a Bichel Gauge” and to include the phrase “for ‘toxic gas test’” as the “toxic gas test” method of the Mine Safety and Health Administration (MSHA) is the current practice in determining fume classes; and to update the referenced title of the appropriate federal agency. The existing table following existing subsection (d) is proposed to immediately follow proposed subsection (a), with editorial revisions, and to include a proposed new heading for this table to incorporate the specifications for a standard cartridge [provisions that are currently contained in existing subsection (b) of Section 5244] to provide clarity.

These proposed revisions will have no effect on the regulated public as the federal agency has merely undergone a name change and the fume class table is proposed to be relocated to a more appropriate location, with editorial revisions, and to include a heading to the table to clearly indicate its purpose.

Subsection (d).

Existing subsection (d) requires that the volume of carbon monoxide plus hydrogen sulfide produced be expressed in terms of cubic feet per standard cartridge with exceptions. A table is shown specifying the appropriate fume classes.

Revisions are proposed to transfer the provisions of subsection (d) to proposed subsection (a), and to relocate and revise the table to incorporate the specifications for a standard cartridge. This proposal will have no effect on the regulated public as it merely results in the reformatting of existing regulations.

Subsection (e).

Existing subsection (e) is specific as to when an explosive can be classified as a Fume Class 1 explosive.

This subsection is proposed for transfer to proposed subsection (a) as the requirements of this subsection are to be incorporated into the proposed revisions of proposed subsection (a) and therefore, will have no effect on the regulated public.

Subsection (f).

Existing subsection (f) requires the containers of fume class explosive be identified and marked with specific size letters.

This subsection is proposed for repeal as the U.S. Department of Transportation (USDOT) already has requirements for the marking of explosive shipping containers. This proposal will have no effect on the regulated public as the fume class is already marked on the container as required by the USDOT.

Subsection (g).

Existing subsection (g), proposed subsection (b), contains an exception to the Fume Class 1 use requirements.

Editorial revisions are proposed to reflect renumbering and to delete the phrase “of this section” as this phrase is unnecessary, and therefore, will have no effect on the regulated public.

New Subsection (c).

A new subsection (c) is proposed to require that blasting with Fume Class 1 explosive be discontinued when the concentration of combustible dust or vapor is found to exceed 10% of the lower explosive limit.

This proposed requirement will have no effect on the regulated public as Labor Code, Section 7967 already requires the Division to be notified when this condition exists and that measures be taken to ensure employee safety.

Subsection (h).

Existing subsection (h), proposed subsection (d), is both subjective and permissive in that when the Division has reason to believe that Fume Class 1 explosives may endanger employees by igniting combustible dusts or vapors, they may require the use of permissible explosives provided the ventilation is increased to compensate for the resulting poisonous gases.

Revisions are proposed to repeal the reference to the Division, to require the use of permissible explosives, and to include “toxic gases” needing increased ventilation. These proposed revisions will permit the employer to use the expertise of their on-site safety representative to determine if the change to permissible explosives is necessary. In addition, editorial revisions are proposed to revise syntax and to delete unnecessary words and therefore, this proposal will have no effect on the regulated public.

The NOTE to this subsection explains why permissible explosives are used where combustible dust or vapors are present. It also states that when permissible explosives are used, additional ventilation is to be provided.

It is proposed to include the term “toxic” to ensure all negative byproducts of an explosive material are considered when determining ventilation requirements. In addition, it is proposed to repeal the requirement for additional ventilation from the NOTE as subsection (h), proposed subsection (d), already contains this requirement. Therefore, this proposal will have no effect on the regulated public.

Section 5245. Electric Detonation of Explosives During Lightning and Dust Storms.

The title to Section 5245 is proposed for revision to substitute the phrase “Blasting Operations” for “Electric Detonation of Explosives”. This proposed

revision will have no effect on the regulated public as it is already the intent of the regulation to prevent inadvertent initiation or detonation/burning of explosives by static electricity created by a dust storm or lightning/electrical storm.

The existing regulations of Section 5245 are contained in existing Section 7207 of the MSO and existing Section 8511 of the TSO.

Subsection (a).

Existing subsection (a) prohibits electric blasting caps or static sensitive explosives blasting operations to take place during a lightning storm.

Revisions are proposed to subsection (a) to delete the phrase “and progress” as this phrase is unnecessary, to include “dust” storms as a concern, to delete the reference to electric blasting caps or static sensitive explosives as all blasting operations should be discontinued, and to include the word “blast” before the word “area” to specify the area for clarity. The proposal to include dust storms is proposed for transfer from existing subsection (b) and therefore, will have no effect on the regulated public. The proposal to prohibit all blasting operations will require the employers using non-electric detonating methods to include in their Injury and Illness Prevention Program methods for warning employees and procedures to shut down the operations in anticipation of impending electrical and dust storms. In addition, it should be noted that existing subsections (a) and (b) of Section 5245 already require the employer to stop operations when dust or lightning storms are approaching.

Subsection (b).

Existing subsection (b) requires the termination of activity when a dust storm capable of producing sufficient static electricity to detonate electric blasting cap is approaching.

The reference to the precautions to be taken when dust storms are approaching duplicates the provisions for electric storms as stated in existing subsection (a). Therefore, it is proposed to transfer the reference to “dust storms” to subsection (a) and to repeal the remainder of the subsection as subsection (a) contains similar provisions. This proposal will have no effect on the regulated public as it merely consolidates similar requirements into one location.

New Subsection (b).

New subsection (b) clearly indicates that provisions are to be made to warn the blasting crew when an electric or dust storm is approaching.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1580 of the CSO.

Subsection (c).

Existing subsection (c) states that instrumentation to determine the presence of static electricity may be required by the Division.

Subsection (c) is permissive in nature. The permissive portion of this subsection is proposed for repeal and therefore, this proposal will have no effect on the regulated public as it is informational only. The remaining provisions of this subsection is proposed for transfer to proposed subsection (c) and therefore, this proposal will have no effect on the regulated public.

New Subsection (c)

New subsection (c) requires employers/licensed blasters in underground operations to provide instrumentation to determine the presence of static electricity within 15 miles of the portal and a means provided to signal to the underground blasting site.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 5245(c), existing Section 7207(c) of the MSO, and specifically existing Section 8511(c) of the TSO.

Section 5247. Miscellaneous Provisions.Subsection (a).

Existing subsection (a) prohibits handling, storing or transporting explosives or blasting agents unless a valid permit has been issued by the appropriate federal, state or local agency.

Revisions are proposed to subsection (a) to delete the reference to “blasting agents” and to replace it with the term “explosive materials”. This proposal will have no effect on the regulated public as blasting agents are a sub-set of explosive materials, which is the commonly used industry term.

Subsection (b).

Existing subsection (b) [provisions are contained in existing Section 1550(d) of the CSO] prohibits persons from using or handling explosives while under the influence of intoxicating liquors, narcotics, or dangerous drugs.

Revisions are proposed to subsection (b) to reflect terminology presently in use within the industry and to add language that will clearly indicate an employee will not be permitted to handle or use explosive materials when it is suspected they are under the influence of substances that could affect the safety of the employee or others. These proposed revisions will have no effect on the regulated public other than providing greater clarity to the regulation.

New Section 5248. Blasting Accident Reports and Procedures.

New Section 5248 is proposed containing the following criteria that requires the employer to

establish a reporting procedure to be used in the event of a blasting accident or an occurrence that affects the safety of employees.

This proposal will have no effect on the regulated public as these requirements are presently contained and transferred from existing Section 1555(a) and (b) of the CSO, existing Section 7280(a) through (c) of the MSO, and existing Section 8565(a) through (c) of the TSO, respectively.

New Subsection (a).

New subsection (a) [transferred from existing Section 1555(a) of the CSO, existing Section 7280(a) of the MSO, and existing Section 8565(a) of the TSO] requires that in the event of a blasting accident or unusual occurrence involving explosive materials, whether or not personal injury is sustained, the employer shall submit a report within 24 hours to the Division.

New Subsection (b).

New subsection (b) [transferred from existing Section 1555(a) of the CSO, existing Section 7280(b) of the MSO, and existing Section 8565(b) of the TSO] requires that the report contains specific data regarding blasters involved, employees injured, explosives and method(s) of detonation, and an account of the incident.

New Subsection (c).

New subsection (c) [transferred from existing Section 1555(b) of the CSO, existing Section 7280(c) of the MSO, and existing Section 8565(c) of the TSO] requires the termination of blasting operations where serious personal injury is sustained until the Division completes its investigation or authorizes resumption of work.

Article 114. Storage of Explosives.

The title of Article 114, “Storage of Explosives”, is proposed for revision to substitute the term “explosive materials” for “explosives.” This proposal will have no effect on the regulated public as it only makes the title consistent with proposed revisions throughout the Group 18 regulations.

Section 5251. Storage—General Requirements.

The title of Section 5251 indicates the contents of the section.

It is proposed to substitute the phrase “General Requirements” with the phrase “of Explosive Materials” to clearly indicate that this section contains the requirements for the storage of explosive materials. This proposal will have no effect on the regulated public as it merely clarifies to the reader what is contained in the following subsections.

Subsections (a)–(j).

Existing subsections (a) through (j) contain the following requirements for the storage of explosives:

establishes a limit on the amount of explosives which may be stored outside of a first class magazine; provides exceptions to the explosives storage requirements within a Class I or first class magazine; prohibits the storing of blasting caps and electric blasting caps with explosives or other blasting agents with exceptions; prohibits storing detonating cord with blasting caps with exceptions that detonating cord may be stored with other explosives; provides that all magazines are to be located or protected to minimize accidental impact with vehicles or falling objects; requires that areas around magazines should be kept cleared for a distance of at least 50 feet from combustible materials such as grass and leaves; requires the magazine lock key/combination to be safely stored; ensures the magazine is secure from unauthorized access; and requires that the magazine is located at least an established distance from power lines.

Subsection (a).

Existing subsection (a) requires that all explosives, including special industrial high explosives, are to be stored in a first or second-class magazine. The magazine is to be constructed in conformance with the provisions of this Article.

Revisions are proposed to subsection (a) to substitute the word “explosives” with the term “explosive materials” to reflect language presently used by the industry; to repeal the reference to “special” in regards to industrial high explosives; and to delete the specific references to first and second class magazines to be replaced with the appropriate magazines with a reference to a new Table EX-3 in the GISO [transferred and revised from existing Appendix B, PLATE B-14a of the CSO] containing the same requirements, in addition to information regarding blasting agents and the USDOT and ATF explosive classifications.

The proposed repeal of the term “special” will have no effect on the regulated public as industrial high explosive are a class of explosive materials and the addition of “special” is redundant. The proposed revisions to the remaining revisions will have no effect on the regulated public as they are already in effect through the revisions made in 1997 to the Construction Safety Orders for explosives and blasting operations.

Subsection (b).

Existing subsection (b) requires that any quantity of explosives over 100 pounds is to be stored in a first-class magazine. Also, subsection (b) lists five exceptions for specific explosive devices and a note stating the listed materials are to be kept in their shipping containers.

Revisions are proposed to subsection (b) to repeal the reference to the quantity of explosives in excess of 100 pounds; and to repeal the exception statement and in its place transfer the following “Note” as new subsection (b) to add clarifying language and to make it a preamble as a requirement statement to Exceptions (1)–(5).

The proposed repeal of the reference to the 100 pounds of explosives will have no effect on the regulated public as proposed subsection (a) of Section 5251 requires that explosive materials be stored as required by Table EX-3 and ensures the listed items are maintained in their shipping containers until used. Also, new subsection (h) of Section 5251 contains new quantity and storage restrictions based on the new USDOT and ATF classifications. In addition, new subsection (i) of Section 5251 prohibits the storage of more than 110 pounds of explosive materials in a Type 3 magazine (i.e., day box).

New Subsection (b).

Included following the existing exceptions to subsection (b) is a “Note” that contains a requirement that the exempted materials are to be maintained in their shipping containers until used.

It is proposed to revise this requirement to clearly indicate its intent to read “The following materials/ devices shall be kept in their shipping containers until used.” and to transfer this requirement to new subsection (b) of the preamble to items (1)–(5). This proposal will have no effect on the regulated public as the provision contained in the existing “Note” is actually a requirement and was inadvertently classified as a “Note”. It is proposed to transfer that provision to new subsection (b) to provide clarity as a preamble to the covered materials.

Subsection (b)(1).

Existing subsection (b)(1) states that Class C explosive such as explosive power packs in the form of explosive cartridges or explosive-charged construction devices, explosive rivets, explosive bolts, explosive charges for driving pins or studs be kept in their shipping containers until used.

It is proposed to delete the specific reference to “Class C” explosives to provide consistency within these regulations as the proposed regulations will now reference “high or low explosives” in lieu of “Class A and B explosives”. Therefore, this proposal will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) prohibits the storage of blasting caps and electric blasting caps in a magazine with other explosive materials. An “Exception” for Make-up and Primer House is included.

Subsection (c), including the accompanying exception, is proposed for transfer to proposed new subsection (h)(2) of Section 5251 that addresses these concerns and therefore, will have no effect on the regulated public.

Subsection (f)

Existing subsection (f), proposed subsection (e)(1), requires that the magazine contents be protected from flooding.

It is proposed to also require that the ground around the magazine be sloped to direct the water away or that drainage be provided. This proposal will have no effect on the regulated public as this provision already exists in Section 1562(a)(2) of the CSO and is proposed for transfer to the GISO as the result of the proposed reorganization of the explosives safety orders.

Subsection (g)

Existing subsection (g) requires that the keys or combinations to the magazine locks be kept in a safe place and only authorized persons be permitted to unlock or remove supplies from the magazine.

This subsection is proposed for transfer to proposed new subsection (j) of Section 5251 and therefore, this proposal will have no effect on the regulated public.

Subsection (h)

Existing subsection (h) requires that the magazine be closed and locked at all times except when opened for use by authorized persons.

This subsection is proposed for transfer to proposed new subsection (j) of Section 5251 and therefore, this proposal will have no effect on the regulated public.

Subsection (j)

Existing subsection (j), proposed subsection (g), states that magazines shall be located at least 5 feet from high-voltage electrical lines and that care should be taken that they be placed in a manner that should a line break, it would not fall within this distance except for underground service. It also references Title 24 that contains building standards and Title 8, Section 5251.

It is proposed to revise subsection (g) to specify that magazines be located at least 25 feet from low-voltage electrical lines and 100 feet from high-voltage electrical lines. This proposal will have no effect on the regulated public as it is industry practice to maintain the 25 foot distance from low-voltage electrical lines and the 100 foot distance from overhead high-voltage electrical lines and currently the GISO does not contain these requirements. The proposed revisions to this subsection are proposed for transfer from existing Section 1561(k) of the CSO, existing Section 7210(j) of the MSO, and existing Section 8514(j) of the TSO.

It is proposed to revise Section 5251 to delete the references to Title 24 and Title 8, Section 5251 as these references are obsolete references and no longer applicable. The reference to building standards are proposed for deletion as these regulations are proposed to apply to all industries, construction, mining, tunneling, as well as general industry, making a blanket application of building standards inappropriate in many cases. Therefore, this proposal will have no effect on the regulated public as where a fire safety issue is present, the local fire agencies and/or the State Fire Marshal having the authority will require the necessary provisions to be accomplished.

New Subsection (h)

New subsection (h) states the quantity and storage restrictions for explosive materials.

This proposal will have no effect on the regulated public as the provisions of subsections (h)(1) and (h)(2) already exist and are proposed for transfer from existing Section 1561(b) of the CSO and a portion of existing Section 5251(c), to reflect the proposed reorganization of the explosive safety orders.

In addition, new subsection (h)(3) requires that no more than 50 pounds of high explosives shall be stored in an indoor magazine.

This proposal will have no effect on the regulated public as this provision is already required by Federal OSHA and the Bureau of Alcohol, Tobacco and Firearms (ATF) as stated in CFR, Title 27, Sections 55.208(b)(1), 55.210(b)(1), and 55.211(b)(1) of the ATF regulations.

New Subsection (i)

New subsection (i) states that Type 3 magazines shall not be used for storage of more than 110 pounds of explosive materials.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1561(c) of the CSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (j)

New subsection (j) requires that magazines be kept locked, except when contents are being removed and that keys be kept in a safe place. Only authorized persons or licensed blasters shall be permitted to unlock or removed contents from a magazine.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1561(e), existing Section 5251(g) and (h), and existing Section 5256(j), to reflect the proposed reorganization of the explosive safety orders.

New Subsection (k).

New subsection (k) states that fuse caps with attached safety fuses shall not be stored in an explosive magazine, but may be stored in a magazine with other detonators.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1561(f) of the CSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (l).

New subsection (l) requires vehicular storage facilities for Types 2, 4, and 5 magazines have wheels removed or be immobilized by kingpin locking devices.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1561(l) of the CSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (m).

New subsection (m) states that explosive materials shall not be left unattended in Type 3 magazines and explosive materials shall be removed to a Type 1 or 2 magazine for storage.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1561(m) of the CSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (n).

New subsection (n) requires maintenance of an inventory of explosive materials stored in magazines with a transfer/removal log, with the exception of Type 3 magazines.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1565(f) of the CSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (o).

New subsection (o) ensures storage magazines are located not less than 300 feet from the entrance of an active tunnel or mine.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 8514(n) of the TSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (p).

New subsection (p) requires posted signs on the premises where magazines are located with specific wording and size of letters, and located within 100 feet

of the magazine and so placed that a bullet through the sign would not strike the magazine.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1562(f) of the CSO, to reflect the proposed reorganization of the explosive safety orders. It is proposed to include additional language specifying the width of letters that states "with a 1/2 inch stroke" immediately following the phrase "3 inches high". This proposal will require the employer to provide letters clearly legible to warn employees to keep off of magazines containing explosive materials.

New Subsection (q).

New subsection (q) requires metal magazines be equipped with electrical bonding connections between all conductive portions so the entire structure is at the same electrical potential. Conductive portions of non-metal magazines shall be grounded.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 8517(i) of the TSO, which is proposed for repeal, to reflect the proposed reorganization of the explosive safety orders. Section 5252. Quantity and Distances Table for the Storage of Explosives.

Subsection (a).

Existing subsection (a) directs the user of explosives or blasting caps to Table EX-1 for the required distances that these materials are to be stored from inhabited buildings or other magazines.

Revisions are proposed to subsection (a) to substitute the term "explosive materials" for "explosives" and repeal the reference to "blasting caps." This proposal will have no effect on the regulated public as these proposed revisions merely substitute language common to the industry.

Subsection (d).

Existing subsection (d) states that for quantity and distance purposes, detonating cord up to 60 grains per foot shall be calculated as equivalent to 9 pounds of Class A explosives per 1,000 feet. Heavier detonating cord shall be rated proportionately.

It is proposed to substitute the term "Class A explosives" with the phrase "high explosives" to provide consistency within these regulations as the proposed regulations will now reference "high and low explosives" in lieu of "Class A and B explosives". Therefore, this proposal will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) requires when two or more storage magazines are located on the same property, each magazine must comply with the minimum

distances specified from inhabited buildings, highways, and railways. Included in this regulation are references to Title 24 and Title 8, Section 5252.

It is proposed to replace the word "ground" with the correct word "group" as the word "ground" was inadvertently included in the text. This proposal will have no effect on the regulated public as it is editorial in nature.

It is proposed to delete the references to Title 24 and Title 8, Section 5252 as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Table EX-1.

Table EX-1, American Table of Distances for Storage of Explosives, As Revised and Approved by the Institute of Makers of Explosives, gives the minimum distance from specific topographic features that listed quantities of explosives may be stored. This table was last revised and published by the Institute of Makers of Explosives on November 8, 1971 and is currently located in the CSO, Appendix B, Plate B-14.

It is proposed to repeal this table and the accompanying "NOTE" in its entirety and adopt the latest quantity and distance table published in June 1991 that is proposed for transfer from the CSO, Appendix B, Plate B-14.

This proposal will require the employer/licensed blaster to use the new table when determining storage locations for explosive materials. However, this proposal will have no effect on the regulated public as the Bureau of Alcohol, Tobacco and Firearms (ATF) already uses this table and storage facilities are required to comply with the requirements of ATF.

Relocated Table EX-2.

Proposed relocated Table EX-2, Table of Separation Distances of Ammonium Nitrate and Blasting Agents From Explosives or Blasting Agents, contains a listing of donor weights and the distances the minimum open air distances ammonium nitrate and blasting agents are to be separated from the donor material. Additionally, there is a minimum thickness for artificial barricade, in inches, that may be used. Also, there are explanatory "NOTES".

It is proposed to transfer TABLE EX-2, Table of Separation Distances of Ammonium Nitrate and Ammonium Nitrate-Based Blasting Agents From Explosives or Blasting Agents and the accompanying "NOTE", with the exception of subsections (3), (b), (c), and (d), from Section 5253 and the similar table entitled Table of Separation Distances of Ammonium Nitrate and Blasting Agents from Explosives or Blasting Agents from Plate B-14, Table 2 of the CSO to follow Table EX-1 in Section 5252.

It is proposed to utilize the existing title of Plate B-14, Table 2 of the CSO, with the exception of the phrase "Ammonium Nitrate-Based", as the term "Ammonium Nitrate-Based is duplicative of the term "Blasting Agents" and therefore, unnecessary. This proposal will have no effect on the regulated public.

The existing Table EX-2, originally located in existing Section 5253, utilizes the term "Receptor" in the subheading of Table EX-2. This term is an inaccurate term that should be instead the term "Acceptor", as the word "Acceptor" is noted in the "NOTES" following Table EX-2 and is therefore, the appropriate term. The correct term "Acceptor" is proposed to be included in this relocated table in Section 5252 following Table EX-1. This proposal will have no effect on the regulated public as it is editorial in nature.

Paragraphs (3) and (3)(b), (3)(c), and (3)(d) of the NOTE to existing TABLE EX-2 in Section 5253 are proposed for repeal to delete unnecessary language as existing Section 5253(b), (c), and (d) already contains this language. Therefore, this proposal will have no effect on the regulated public.

This proposal will have no effect on the regulated public as this proposed action relocates this table to a more appropriate location within Section 5252 of the GISO by placing the two distance tables into one location in the GISO.

Relocated Table EX-3.

It is proposed to transfer existing PLATE B-14a, Appendix B of the CSO with revisions to follow Table EX-2 in Section 5252. Table EX-3, entitled "Types of Storage Facilities", is proposed to delineate what classification of explosive materials may be stored in what type of magazine and provides a comparison of old and new explosive materials classifications for the convenience of the user.

Also, a footnote is proposed for transfer from existing PLATE B-14a, Appendix B of the CSO to immediately follow proposed relocated Table EX-3 that indicates that a Type 4 storage facility meets the necessary requirements for the storage of blasting caps which do not mass detonate, provided the blasting caps are properly packaged and readily identifiable as 1.4b detonators of either the electric or non-electric type. This proposed footnote permits the employer/licensed blaster to store 1.4b detonators in a Type 4 magazine.

New Section 5252.1. Quantity and Distance Table for Storage of Explosives-Low Explosives Distances in Feet When Storage is Unbarricaded.

New Section 5212.1 consists of an explanation of low explosives and a table of unbarricaded distances from topographical features that specified quantities of

low explosives to be stored. The regulation further states that the distance is not to be reduced because of the presence of barricades or earth cover.

The provisions of new Section 5252.1 are currently contained in Section 7212 of the MSO and Section 8516 of the TSO and are proposed for transfer into the GISO and therefore, will have no effect on the regulated public. A revision is proposed to revise the old term "Class B", as originally specified in Section 7212 of the MSO and Section 8516 of the TSO, to the new term "Low Explosives", as the term "Class B" is an obsolete classification. In addition, the DOD and ATF regulations are required to comply with this table for many years.

Section 5253. Quantity and Distance Table for Storage of Ammonium Nitrate and Blasting Agents.

Existing Section 5253 and the NOTE to Section 5253 contain instructions and clarification for the use of the ammonium nitrate and blasting agent tables. There is also a table with the required separation distances for specified quantities of ammonium nitrate and ammonium nitrate based blasting agents from explosives or blasting agents.

Subsection (a).

Existing subsection (a) states that the quantity of ammonium nitrate or ammonium Nitrate based blasting agents that may be stored in any magazine shall conform to Table EX-2, Table of Separation Distances, which sets forth the minimum separation distances for ammonium nitrate and blasting agents from stores of high explosives or blasting agents. These distances apply to the separation of stores only.

Revisions are proposed to subsection (a) to lower case the letter "N" in the word "Nitrate" and to include the references to "Section 5252" following the titles of Table EX-2 and Table EX-1. This proposal will have no effect on the regulated public as it editorial in nature and clarifies the references to Table EX-2 and Table EX-1 as referenced in the regulation.

Subsection (b).

Existing subsection (b) requires that when ammonium nitrate and/or blasting agent are not barricaded, the distances shown in the Table are to be multiplied by six. An explanation is given for this multiplier. It further states that if the storage is bullet resistant, the distances listed in Table EX-1 are sufficient. The regulation then references those sections containing the construction requirements for magazines.

It is proposed to revise subsection (b) to specify that the table referenced in subsection (b) is Table EX-2 in Section 5252 and to specify that Section 5252 contains Table EX-1 for clarity, and to substitute the reference to new Section 5253.1 in lieu of Sections 5254 and 5255 as new Section 5253.1 consolidates all magazine

construction requirements. Therefore, this proposal will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) states that the actual amount of ammonium nitrate available when determining distances to be maintained from inhabited buildings may be reduced by 1/2 of its actual weight because of its lower blast effect.

Immediately following existing subsection (d) is a "NOTE" discussing the insensitivity of the ammonium nitrate and its use as a fertilizer, the materials used to sensitize ammonium nitrate to give it the characteristics of dynamite, that when mixed, it is to be stored as explosives, and that burning ammonium nitrate produces oxides of nitrogen, which is dangerous to breathe. Included in this regulation are references to Title 24, Title 8, Section 5253.

It is proposed to revise existing subsection (d) to substitute the word "shall" in place of the word "may". This proposal clarifies the current industry practice being used since this quantity and distance table was established and therefore, will have no effect on the regulated public.

It is proposed to revise Section 5253 to delete the references to Title 24 and Title 8, Section 5253 as these references are obsolete references and no longer applicable. The reference to building standards are proposed for deletion as these regulations are proposed to apply to all industries, construction, mining, tunneling, as well as general industry, making a blanket application of building standard inappropriate in many cases. Therefore, this proposal will have no effect on the regulated public as where a fire safety issue is present, the local fire agencies and/or the State Fire Marshal having the authority will require the necessary provisions to be accomplished.

Table EX-2.

Table EX-2, Table of Separation Distances of Ammonium Nitrate and Ammonium Nitrate-Based Blasting Agents From Explosives or Blasting Agents, contains a listing of donor weights and the minimum open air distances ammonium nitrate and blasting agents are to be separated from the donor material. Additionally, there is a minimum thickness for artificial barricade, in inches, that may be used. Also, there are explanatory "NOTES".

This table is proposed for transfer to Section 5252 to follow Table EX-1 and therefore, this proposal will have no effect on the regulated public as this proposed action relocates information into one consolidated location. The term "Receptor" in the subheading of Table EX-2 is an inaccurate term that should be instead the term "Acceptor", as the word "Acceptor" is noted in the "NOTES" following Table EX-2. The correct term "Acceptor" is proposed to be included

when this table is proposed for transfer to Section 5252 following Table EX-1. This proposal is editorial in nature and therefore, will have no effect on the regulated public. It is proposed to repeal NOTE (3)(b)–(d) as this information is already contained in existing Section 5253(b), (c), and (d) and therefore, is unnecessary. This proposal will have no effect on the regulated public.

New Section 5253.1.

A new Section 5253.1 is proposed to address the construction and use of the accepted types of explosive storage magazines, Type 1 through Type 5.

The regulations in Section 5253.1 are proposed for transfer from existing Section 1562 of the CSO and the provisions are also contained in existing Section 7213 of the MSO and existing Section 8517 of the TSO, with the exception of proposed subsections (b)(1)(D), (b)(1)(E), (c)(2), and (f). The provisions are also proposed for transfer from existing Section 5254(a)–(i). This proposal will have no regulatory effect as these regulations are already required to be complied with by the regulated public.

It is proposed to adopt new subsections (b)(1)(D), (b)(1)(E), and (c)(2), and to incorporate proposed subsection (f).

Proposed new subsection (b)(1)(D) requires Type 2 magazines to be located in conformance with Table EX-1, Distances for the Storage of Explosives, but still permit them to be located in warehouses and sales establishments provided specific exit distances and quantities have been met. The location of the magazine shall comply with the listed quantity and distance table and have an entrance to the building at grade level and ensure it is within 10 feet of that entrance and at grade level.

This proposal will have the effect on the regulated public of making the regulation consistent with the federal requirement contained in 29CFR 1910.109(c)(1)(vii) with respect to the placement and use of Type 2 magazines, including when used in warehouses and sales establishments.

Proposed new subsection (b)(1)(E) requires indoor magazines to be painted a specific color with designated language meeting certain size requirements. This regulation also states as an “EXCEPTION” that when size of the indoor magazine does not permit, letterings shall be as large as possible.

This proposal will have the effect on the regulated public of making the regulation consistent with the federal requirement contained in 29CFR 1910.109(c)(4)(iv) with respect to the required markings, size of letters, and language on indoor magazines. With regards to the ½ inch stroke requirement, this proposal will require the employer to provide letters clearly legible to warn employees of explosives fire hazards.

Proposed new subsection (c)(2) requires that when a Type 3 magazine is used for temporary storage on site for blasting operations, the magazine shall be located away from inhabited buildings and at least 150 feet from other magazines and work in progress.

This proposal will have the effect on the regulated public of making the regulation consistent with the federal requirements contained in 29CFR 1910.109(c)(1)(viii) with respect to requiring Type 3 storage magazines to be at least 150 feet from other magazines and work in progress.

Proposed subsection (f) requires that magazines be ventilated and that the ventilation openings be screened and protected to maintain the bullet resistance of the magazine. In addition, a NOTE is provided referencing a publication from the Institute of Makers of Explosive.

Proposed subsection (f) and the NOTE are proposed for transfer from existing Section 5254(g) and the NOTE, existing Section 7213(g) and the NOTE of the MSO, and existing Section 8517(e) and the NOTE of the TSO. This proposal will have no effect on the regulated public as it transfers an existing regulation and information into a more appropriate location as the result of the proposed reorganization of the explosive safety orders and ensures retention of the existing MSO and TSO regulations within the GISO, respectively.

Section 5254. First-Class Magazines.

The title to this Section presently addresses first-class magazines.

A revision is proposed to change the title to “Magazine Heating.” The proposed revision will inform the reader that the section is now specific to provisions for providing heat to storage magazines. This proposal will have no effect on the regulated public as proposed new Section 5253.1 will address the same requirements that were contained in this section.

Existing Section 5254(a) through (i) contains the construction requirements and the prohibitions of certain types of equipment within first-class magazines.

These subsections are proposed for repeal as proposed new Section 5253.1 will address the issues contained in these subsections and therefore, will have no effect on the regulated public.

Subsections (j)(1)–(7), that address the heating of magazines, are proposed to be retained as renumbered subsections (a)(1)–(7). It is proposed to revise subsection (a)(5) to delete the reference to the word “California” preceding the phrase “Electrical Safety Orders”. This proposal will have no effect on the regulated public as the reference to California is unnecessary. Also, it is proposed to delete the

references to Title 24 and Title 8, Section 5254 as these references are obsolete references and no longer applicable. This proposal will have no effect on the regulated public as it merely renumbers the remaining regulations and deletes obsolete, and therefore, unnecessary references.

Section 5255. Second-Class Magazines.

Existing Section 5255 delineates the methods and materials to be used in construction of second-class magazines.

The regulations in Section 5255 are proposed for repeal as the requirements are contained in proposed new Section 5253.1(b) and (c), Type 3 Magazines, and the provisions of 40 CFR 55, Subpart K, which are actively enforced by the Bureau of Alcohol, Tobacco and Firearms (ATF). Also, existing provisions of Section 1562 of the CSO have been enforced since July 26, 1997. In addition, these provisions are currently contained in existing Section 7214 of the MSO and existing Section 8518 of the TSO that are proposed for repeal. This proposal will have no effect on the regulated public as these provisions are already enforced by existing Section 1562 of the CSO, Section 7214 of the MSO, Section 8518 of the TSO, and the ATF regulations.

Section 5256. Storage Within First-Class Magazines.

The title to this section is proposed for revision to delete the specific reference to "First-Class" magazines to read "Storage Within Magazines". The proposed revisions result in this section applying, unless stated otherwise within the regulation, to all magazines. This proposal will have no effect on the regulated public because the existing requirements are generic and already apply to all applicable magazine types.

Existing Section 5256 contains specific requirements relating to cleanliness, smoking, electrical wiring, portable lights, corresponding grades and brands of explosives, order of removal of explosives (oldest first), containers, packing and unpacking containers, repairs, requirements that doors be kept locked, and other general requirements.

Subsection (a).

Existing subsection (a) requires that magazines be kept clean and free from rubbish and not be used as storerooms and transfers conveyors.

An editorial revision is proposed for subsection (a) to substitute the term "explosive materials" for "explosives" to reflect the term commonly used within the industry and therefore, this proposal will have no effect on the regulated public.

In addition, it is proposed to include new language that states "Sweepings from floors of magazines shall be properly disposed of. Magazines floors stained by leakage from explosive materials shall be cleaned

according to instructions by the explosives manufacturer." The provisions of this subsection are taken from the ATF regulations cited in Title 27, CFR, Part 55, Commerce in Explosives, Section 55.215, Housekeeping. This proposal will have no effect on the regulated public as this regulation is already enforced by ATF.

Subsection (b).

Existing subsection (b) prohibits ignition sources within 50 feet of magazines. It also prohibits storing combustible materials or permitting grass or brush within 50 feet of the magazine.

The provision relating to maintaining a brush, grass and combustible materials at least 50 feet from the magazine is proposed for repeal. This proposal will have no effect on the regulated public as this requirement duplicates the provisions of proposed Section 5251(e) of the GISO.

Subsection (d).

Existing subsection (d) permits only electric safety flashlights or lanterns within a magazine.

Revisions are proposed to subsection (d) to substitute the term "permissible" flashlights or lanterns in place of the phrase "electric safety". The terms "permissible flashlight" and "permissible lanterns" are more readily understood within the industry to mean a flashlight/lantern has been designed and constructed to ensure that when an electric circuit has been made, the resulting electric arc is safely contained within the case or insulation of the device. In this manner, there is no likelihood of igniting the explosive within the magazine. This proposal will have no effect on the regulated public as a "permissible flashlight" or "permissible lantern" is an electric safety flashlight and the term "permissible" is defined and understood by the regulated public.

Subsections (e), (f), (h), and (i).

Existing subsection (e) contains requirements for the storage of grades and brands of explosives. Existing subsection (f) requires that when explosives are removed from a magazine, the oldest explosive of that kind in the magazine be taken and used first. Existing subsection (h) requires that explosives be removed when magazines need repair. Existing subsection (i) requires that explosives removed from a magazine under repair be properly guarded and protected until repairs are completed and returned to the magazine.

Editorial revisions are proposed to subsections (e), (f), (h), and (i) to substitute the term "explosive materials" in place of the word "explosives" to reflect the term commonly used within the industry. Therefore, this proposal will have no effect on the regulated public. In addition, in subsection (e), the letter "c" in the word "corresponding" inadvertently contains a

lower case letter “c”. This letter should instead be an upper case letter “C”. This proposal will have no effect on the regulated public as it is grammatical in nature.

Subsection (g).

Existing subsection (g) prohibits packing or unpacking bulk containers of explosive materials inside or within 50 feet of a magazine or within proximity of other explosive materials. Also, it requires that opened containers of explosives are to be securely closed before returning the containers to a magazine.

A revision is proposed in subsection (g) to indicate that at manufacturing facilities, containers can be unpacked at the processing/manufacturing site to continue the operation. This proposal permits explosive manufacturers to continue using procedures that have been used and have not been found to be unsafe.

Subsection (j).

Existing subsection (j) requires that magazine doors are to be kept locked except when explosives are being removed or replaced, or during inspections.

Subsection (j) is proposed for transfer to new Section 5251(j) that contains the same provisions. This proposed revision will have no effect on the regulated public as it merely relocates an existing provision to a more appropriate location in Section 5251(j) of the GISO.

Subsection (k).

Existing subsection (k), proposed new subsection (j), requires that magazines used for the storage of explosives are to be under the supervision of a qualified person. Included in this regulation are references to Title 24, Title 8, Section 5256(c).

A revision is proposed to proposed subsection (j) to substitute the term “explosive materials” in place of the word “explosives” to reflect the term commonly used within the industry and therefore, this proposal will have no effect on the regulated public. In addition, it is proposed to substitute the term “qualified” for the term “competent” person. This proposal will require the employer to review the duties of the person in charge to ensure the employee meets the definition of a competent person, including giving the individual the authority to exercise specific actions if an unsafe act/condition is noted/observed.

In addition, it is proposed to delete the references to Title 24 and Title 8, Section 5256(c) as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

New Subsection (k).

Proposed new subsection (k) requires the employer/licensed blaster to take precautions to ensure that explosive materials are not stored against interior walls.

This proposal is necessary to ensure that the explosive materials shall not be piled or stored against interior walls to prevent interfering with the ventilation system. This proposed action will have no effect on the regulated public as it is already required by Section 55.214(a) of the ATF—Explosives Law and Regulations. The Bureau of Alcohol, Tobacco and Firearms (ATF) is the lead agency for the storage of explosive materials. Further, this practice is widely used in the explosives industry.

New Subsection (l).

Proposed new subsection (l) requires that if buffer material is used to separate the explosive materials from the wall, it shall be positioned so as not to interfere with the ventilation provisions of the side and walls.

This proposal is necessary to ensure the magazine ventilation remains effective. This proposed action will have no effect on the regulated public as it is already required by Section 55.214(a) of the ATF—Explosives Law and Regulations. The Bureau of Alcohol, Tobacco and Firearms (ATF) is the lead agency for the storage of explosive materials. Further, this practice is widely used in the explosives industry.

New Subsection (m).

Proposed new subsection (m) requires that ammonium nitrate fuel oil blasting agent be physically separated from other explosives stored in the magazine and in a manner that will prevent the oil from contaminating the other explosives.

This provision is necessary to prevent mixing as the explosives could become sensitized and an incident could occur. This proposed action will have no effect on the regulated public as this provision is already required by existing Section 7210(k) of the MSO and existing Section 8514(k) of the TSO that are proposed for repeal as the result of the proposed reorganization of the explosive safety orders.

New Subsection (n).

Proposed new subsection (n) requires the interiors of magazines to be free of cracks or crevices and that all nails, screws, bolts, and nuts be counter sunk. Exposed metal or materials capable of producing sparks are to be covered.

This proposed action will have no effect on the regulated public as these provisions are already required by existing Section 7213(h) of the MSO and existing Section 8517(f) of the TSO that is proposed for repeal as the result of the proposed reorganization of the explosive safety orders.

Section 5257. Makeup or Primer House for Blasting Operations.

The title of this Section is proposed for revision to include the term “Underground” before the phrase “Blasting Operations” to clearly indicate the regula-

tions apply to underground blasting operations only. This proposal will have no effect on the regulated public as in practice this regulation has only applied to underground operations.

New Subsection (a).

New subsection (a) is proposed which will require when 30 or more primers are required for a single shot, the primers be made up in advance in a makeup or primer house.

The regulatory effect of this proposal will allow a small number of primers to be made up at the blasting site underground without confusion. However, when the number of primers to be made up increases, limited underground space and harsh underground conditions can be confusing factors in making primers which can increase the possibility of accidents.

Subsection (a).

Existing subsection (a), proposed subsection (b), delineates when a primer house is required and to what type of magazine it is to comply with.

It is proposed to substitute the terms "Type 1 or Type 2" magazines for "first-class" magazine. This proposal will have no effect on the regulated public as the change in terminology reflects current industry use of the terms.

Subsection (a)(1).

Existing subsection (a)(1), proposed subsection (b)(1), permits electricity for lights if the electrical wiring is at least 5 feet from explosives and complies with Class II, Division I, Hazardous Locations, California Electrical Safety Orders.

It is proposed to revise subsection (b)(1) to delete the reference to the word "California" preceding the phrase "Electrical Safety Orders". This proposal will have no effect on the regulated public as the reference to California is unnecessary.

Subsection (a)(2).

Existing subsection (a)(2), proposed subsection (b)(2), prohibits more than 100 pounds of explosives, other than primers, to be stored in a primer/makeup house.

A revision is proposed to proposed subsection (b)(2) to raise the maximum amount of explosives that may be stored from 100 to 110 pounds. This proposed revision will permit the continued practice of storing two cases of explosives in the primer/makeup house. Because of the international trade in explosive materials, shipping weight is now listed in kilograms. The cases currently weigh 25 kilograms, rather than 50 pounds. The 25 kilograms is approximately 55 pounds per case.

Subsection (a)(4).

Existing subsection (a)(4), proposed subsection (b)(4), is proposed for revision to substitute the existing reference to Section 5254(j) to read Section 5254(a).

This proposal will have no effect on the regulated public as it reflects the proposed renumbering of the subsections within Section 5254.

Subsection (b).

Existing subsection (b) states that the section does not prohibit primers from being made up in a separate building or area provided appropriate storage is provided.

A revision is proposed to make existing subsection (b) a "NOTE" to Section 5257 to be relocated to follow proposed new subsection (d) as the more appropriate location for this "NOTE". This proposal will have no effect on the regulated public as existing subsection (b) is informational only.

New Subsection (c).

New subsection (c) is proposed to require the employer to locate a makeup or primer house at least 100 feet from any magazine or inhabited building.

This proposal will have no effect on the regulated public as this requirement is proposed for transfer from existing subsection (c).

Subsection (c).

Existing subsection (c), proposed new subsection (d), states that primers made up in locations other than a make-up house must be done at least 100 feet from a first-class magazine and at a safe distance from other workers not involved with the blasting operations. Included in this regulation are references to Title 24, Title 8, Section 5257(a) and (b).

It is proposed to editorially revise proposed subsection (d) by deleting the "hyphen" between the words "make" and "up" to be editorially consistent with how the word "makeup" is identified within the regulation, by substituting the term "shall" in place of the word "must" to provide terminology that is consistent in Title 8 and therefore, will have no effect on the regulated public. It is further proposed to indicate that primers are to be made up at the blast site if a makeup or primer house is not used; thereby, transferring the provision allowing primers to be made up at a location at least 100 feet from the storage magazine if they are not made up in a primer house to proposed subsection (c). This proposal will require employers/users not using a makeup or primer house to make up the primers only at the blasting site.

In addition, it is proposed to delete the references to Title 24 and Title 8, Section 5257(a) and (b) as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Section 5258. Storage of Explosives Underground.

It is proposed to revise the title of Section 5258 to substitute the term “Explosive Materials” in place of the word “Explosives” to reflect common industry terminology.

Subsection (a).

Existing subsection (a) [provision is contained in existing Section 7217(a) of the MSO] requires that explosives stored underground be located where if an explosion or burn should occur, it will not shut off the employee escape route.

The proposed substitution of the terms “explosives” with “explosive materials”; “explode” with “detonate”; “workmen” with “employees”; and “shut off” with “obstructed” in existing subsection (a) are editorial revisions that updates the regulatory text to current terminology familiar with the affected industry and consistent with other proposed revisions within the explosives regulations. Therefore, these proposed revisions will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) [provision is contained in existing Section 7217(b) of the MSO] requires that magazines be located a minimum of 200 feet from the entrance to active underground work areas and specific distances from magazines and haulage ways and requires any timbers within 25 feet of a magazine to be made fire retardant.

Revisions are proposed to subsection (b) to delete the reference to “First-class” magazine as this reference is obsolete in magazine classifications. In addition, it is proposed to substitute the term “retardant” with the term “resistant” to state that “timbers are to be fire resistant” to provide terms familiar to the affected parties.

These proposed revisions will have no effect upon the regulated public as it merely updates regulatory text to current industry terminology and practices.

Subsection (c).

Existing subsection (c) [provision is contained in existing Section 7217(c) of the MSO] prohibits the storage of more than a three-day supply of explosives in an underground magazine unless permitted by the Division.

Subsection (c) is proposed for revision to delete the phrase “. . . unless accepted by the Division, not more than a 3-day supply. . .” as there are no defining terms or factors as to what would be acceptable to the Division. In addition, the three-day supply provision is proposed for repeal. This proposal permits the employer to store explosive materials underground without acceptance from the Division with respect to time, provided it is not a construction or tunneling operation. It is proposed to substitute the term

“explosives” with “explosive materials” to be consistent with industry terminology. It is proposed to add the phrase “work area during tunneling and construction operations” that will prohibit storing explosives in underground work areas during tunneling and construction operations.

The major differences between a mine and tunnel construction activity is that normally there are several access/egress ways in a mine environment, thereby, permitting the placement of an explosive materials storage magazine in a location which does not present the hazard of closing off the exit way should an unwanted explosion or fire occur in or at the magazine. Underground construction, i.e., tunnel projects, are normally limited to a single access/egress way.

Therefore, revisions are proposed to subsection (c) to prohibit the storage of explosive materials underground during tunneling and construction operations. This proposal will have no effect on the regulated public as it incorporates the provisions contained in existing Section 7217(c) of MSO that is proposed for transfer into the GISO.

Subsection (d).

Existing subsection (d) [provision is contained in existing Section 7217(d) of the MSO] addresses the installation of wiring for equipment used for drying wet explosives.

In addition to substituting the term “explosives” with “explosive materials”, clarifying language is proposed to indicate the type of wiring being addressed by including the word “Electrical” before the word “wiring”. This proposal will have no effect on the regulated public as the proposed revisions provide current industry terminology and clarify the intent of the regulation.

Subsection (e).

Existing subsection (e) [provision is contained in existing Section 7217(e) of the MSO] requires that first-class storage magazines be conspicuously marked with the word “EXPLOSIVES” in specified color and size of letters.

A revision is proposed to subsection (e) to delete the specific storage magazine class reference. The potential of any explosive material to cause extensive damage, injury, or death is always present and therefore, there are certain measures to be taken to prevent an unwanted incident common for all magazines. In addition, the proposed revision merely iterates industry and the Bureau of Alcohol, Tobacco and Firearms practices and requirements for the marking of all storage magazines. Therefore, this proposal will have no effect on the regulated public.

Subsection (f).

Existing subsection (f) [provision is contained in existing Section 7217(f) of the MSO] prohibits the placing of combustible rubbish within 100 feet of any underground storage magazine. Included in this regulation are references to Title 24, Title 8, Section 5258(b) and (d).

It is proposed to delete the references to Title 24 and Title 8, Section 5258(b) and (d) as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

New Subsection (g).

Proposed new subsection (g) requires that detonator storage magazines to be constructed as explosive storage magazines and to be located at least 50 feet from other magazines.

This proposal is proposed for transfer from existing Section 7217(g) except the requirement that detonator storage magazine be at least 25 feet from a second-class magazine. This proposed new subsection requires instead that detonator storage magazines be at least 50 feet from other magazines to be consistent with 29CFR 1926.904(f), the federal requirement that permanent underground magazines containing detonators are to be stored 50 feet away from above ground magazines. This proposal will make California's state standard at least as effective as the federal counterpart regulation.

Article 115. Transportation of Explosives.

An editorial revision is proposed to the title of Article 115 to substitute the term "Explosive Materials" in place of the word "Explosives" to be consistent with industry terminology and therefore, this proposal will have no effect on the regulated public.

Section 5262. General.

Subsection (a).

Existing subsection (a) states that this Article applies to vehicles whose operations are not under the jurisdiction of the U.S. Department of Transportation, the California Highway Patrol, or the California Vehicle Code, or the Health and Safety Code on Public Highways.

A revision is proposed to subsection (a) to include the word "motorized" before the word "vehicles" to indicate that these regulations apply only to motorized vehicle to clarify that this regulation does not apply to hand or foot powered vehicles. This proposed revision will have no effect on the regulated public as it is only clarifies what is already being enforced.

Subsection (b).

Existing subsection (b) prohibits blasting caps or similar primary explosives initiation devices to be transported upon any vehicle equipped with a radio transmitter or any device which may cause detonation unless these devices have been tested and proved safe for transportation and are so labeled.

Revisions are proposed to subsection (b) to indicate the type of detonator being addressed; to substitute the term "explosive materials" in place of the word "explosive" to be consistent with industry terminology; to clarify that detonators are not to be transported on or in a radio transmitter equipped vehicle referred to earlier; and to delete the reference to the testing and approval statements. The proposed revisions will have no effect on the regulated public as these devices are manufactured to the recommended industry standards (Institute of Makers of Explosives) and transported as required by USDOT regulations.

Subsection (c).

Existing subsection (c) prohibits the hauling of blasting caps in any vehicle containing over 5,000 pounds of explosives.

A revision is proposed to substitute an incorporation by reference of the Institute of Makers of Explosives, Safety Library Publication No. 22, Recommendations for the Safe Transportation of Detonators in a Vehicle with Certain Other Explosive Materials, May 1993, pages 1-16, for the existing prohibition. This document has been developed through the joint efforts of the manufacturers and users of explosive materials. This proposal will have no effect on the regulated public as the method in the referenced document is the accepted method currently used within the industry.

Section 5263. Surface Transportation.

The heading of the section number and title of existing Section 5263 is proposed for repeal. It is proposed to incorporate the provisions of existing Section 5263 into proposed Section 5262 as the requirements fall into the "general" category for the transportation of explosive materials.

This proposal will have no effect on the regulated public because, as stated, even though existing Section 5263 is entitled "Surface Transportation", the requirements address all facets of the transportation of explosive materials.

Subsections (a) and (a)(1).

Existing subsections (a) and (a)(1), proposed Section 5262(d), contains requirements for the placarding of vehicles transporting explosives and delineates the colors and wording to be used on the placards.

In order to standardize the placarding method, revisions are proposed to repeal the specifics contained in existing subsection (a)(1) and to reference the

U.S. Department of Transportation (USDOT) requirements. The USDOT regulations are federally mandated placarding requirements for the transportation of hazardous materials. This proposal eliminates the need for end users to remark or placard vehicles when they arrive on the job site. Also, it is proposed to exempt from USDOT placarding/markings, the transportation within a manufacturing site of those explosive materials still in the process of manufacture. This proposal will permit the manufacturer to transfer explosive materials within the plant/on-site using only plant/manufacturing identification.

Subsection (a)(2).

Existing subsection (a)(2) addresses motor vehicles, trailers or other cargo-carrying device containing more than one type of explosive material as well as oxidizing material requiring placarding as required in subsection (a)(1), the aggregate weight of which exceeds 1,000 pounds.

This subsection is proposed for repeal as the U.S. Department of Transportation placarding requirements also addresses this condition. This proposed repeal eliminates the need for two types of labeling or placarding on one vehicle at the job site.

Subsection (b).

Existing subsection (b), proposed Section 5262(e), states that if detonators and explosives are carried in the same vehicle, an air space shall be provided between the materials. Additionally, shipping containers or second-class magazines shall be used for taking detonators and explosives from storage magazines to the blasting area.

A revision is proposed to proposed Section 5262(e) to delete the prohibitions relating to blasting caps and capped fuses as this provision is informational only and therefore, this proposal will have no effect on the regulated public. Also, it is proposed to transfer the 25-inch air space requirement to Section 5264(c)(1) to address underground transportation. In addition, it is proposed to indicate that the “original” shipping containers or “Type 3 magazines (day box)” in lieu of “second-class magazines” shall be used when taking explosives from a storage magazine to ensure the appropriate container is used for transportation and to be consistent with other proposed revisions with Group 18 regulations. Finally, it is proposed to include the word “materials” to follow the word “explosives”. These proposed revisions will have no effect upon the regulated public as they reflect industry and enforcement practices in effect at this time.

Subsection (c).

Existing subsection (c), proposed Section 5262(f), contains general requirements for the construction and mechanical integrity of the equipment and for vehicles

transporting explosives. In addition, this subsection contains seven subsections relating to the inspection of the vehicles prior to carrying explosives.

It is proposed to revise proposed Section 5262(f) to substitute the word “explosives” with the term “explosive materials” wherever the word “explosives” appears in proposed subsection (f) to reflect language presently used by the industry. In addition, it is proposed to delineate the individual elements within proposed subsection (f) by assigning numeric designations. This proposed action will have no effect on the regulated public as it reformats this subsection to provide clarity.

In addition, it is proposed to include an “EXCEPTION” to the covering of spark-producing metal for specific conditions and materials in proposed subsection (f)(2). This proposal permits the listed explosive materials to be carried in vehicles having exposed spark-producing metal and is consistent with Section 5347(b) of the GISO. This proposal will have no effect on the regulated public as this provision is currently contained in the latter portion of Section 7221(c) of the MSO and is proposed for transfer into the GISO.

A revision is proposed to proposed subsection (f)(4) to replace the term “A motor vehicle” with the word “Vehicles” to clearly indicate that where a conveyance used to transport explosive materials meets any of the listed criteria, an inspection will be made. This proposal will have no effect on the regulated public as it provides clarity to the regulation. In addition, it is proposed to allow the employer to inspect the vehicle weekly or prior to use when used less than weekly. A conditional phrase is proposed for proposed subsection (f)(4) that indicates that the listed inspection items are to be included in the inspection, but not necessarily limited to them.

Existing subsection (c)(1), proposed subsection (f)(4)(A), states that fire extinguishers shall be filled and in working order. It is proposed to revise proposed subsection (f)(4)(A) to include the phrase “that comply with subsection (g)” to follow the term “Fire extinguishers”. This proposal will have no effect on the regulated public as it provides clarity to the regulation by stating that the fire extinguishers that comply with the provisions of subsection (g) must be filled and in good working order. Proposed subsection (g) identifies the type of fire extinguishers to be used in vehicles transporting explosive materials.

A new subsection (f)(4)(B)1. is proposed to prohibit the installation of auxiliary lighting that is powered by the vehicle’s electrical system. This proposal prohibits the use of the truck’s electrical system to power auxiliary lights on a truck bed where explosive materials are transported.

Proposed subsection (f)(4)(F), existing subsection (c)(6), requires the tires to be checked for proper inflation and defects.

A revision is proposed to proposed subsection (f)(4)(F) to include language indicating the degree of inflation and defect to be checked for. This proposal requires the employer to ascertain if the defect or tire pressure will effect the safe operation of the vehicle.

Subsection (d).

Existing subsection (d), proposed Section 5262(g), contains requirements that fire extinguisher equipment is to be located within the vehicle used to transport explosives.

Revisions are proposed to proposed Section 5262(g) to substitute the word “explosives” with the term “explosive materials” to reflect language currently used in the industry. Also, it is proposed to revise the fire extinguisher capacity to reflect NFPA and USDOT practices. In addition, it is proposed to delete the U. L. reference as being unnecessary. Finally, the proposed addition of the word “carried” indicates what fire extinguisher the driver is to be trained in how to use.

This proposal will have no effect on the regulated public as the proposed revisions merely make California’s requirement consistent with local fire authorities and USDOT.

Subsection (e).

Existing subsection (e), proposed Section 5262(h), prohibits the transportation of other materials with explosives unless the explosives are protected from mechanical damage or the other materials are secured in place. Also, the regulation permits special service trucks to transport small amounts of explosives when necessary.

It is proposed to revise proposed Section 5262(h) to substitute the word “explosives” with the term “explosive materials” wherever the word “explosives” appears in proposed subsection (h) to reflect language presently used by the industry.

A new subsection (h)(1) is proposed to require that a Type 3 magazine or original shipping container is secured against movement during transport on an open bodied vehicle to ensure the container and explosive materials are not “bounced” or thrown from the vehicle. The impact of the explosive materials from striking the ground could cause a detonation, resulting in serious injury and/or death of persons within area.

In addition to minor editorial revisions, it is proposed to revise proposed subsection (h)(2) to include language that states “such as, but not limited to, used in such operations as well services, snow avalanche control, seismic work, and explosives research and development” following the term “Special service trucks”. This proposal will have no effect on the regulated public other than to clarify the term

“special service trucks” by providing examples. Also, it is proposed to delete the reference to the undefined/ vague term “small amounts” to be replaced with the term “one Type 3 magazine (day box). This proposal will have no effect on the regulated public other than to clarify the amount of explosives that can be carried in a special service truck. In addition, it is proposed to revise the references to the subsections as the result of the proposed renumbering system. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (f).

Existing subsection (f), proposed Section 5262(i), requires that the motor vehicles or conveyances hauling explosives be driven only by a licensed driver familiar with the explosives regulations of the local, state and federal governments, and prohibits any one except the driver and employees necessary to ensure the safe operation and protection of the vehicle and load to ride on the vehicle.

It is proposed to revise proposed Section 5262(i) to substitute the word “explosives” with the term “explosive materials” wherever the word “explosives” appears in proposed subsection (i) to reflect language presently used by the industry. Therefore, this proposal will have no effect on the regulated public. Also, it is proposed to delete the modifier “only” before the phrase “be driven by” as this modifier is unnecessary. This proposal is editorial in nature and therefore, will have no effect on the regulated public. In addition, editorial revisions are proposed to eliminate specific gender references and therefore, this proposal will have no effect on the regulated public.

New Subsection (j).

A new subsection (j) is proposed to indicate that the employer permits only the vehicle operator and powder crew to ride the vehicle transporting explosive materials. This proposal will have no effect on the regulated public as a similar provision is contained in existing Section 5267(g) and existing Section 5263(f), with revisions that clarify the intent of the regulation and are clearer to the regulated public.

The provision in existing Section 5267(g) is proposed for deletion as existing Section 5263(f) already contains a similar provision and is proposed for transfer to proposed Section 5263(j). Therefore, this proposal will have no effect in the regulated public other than to relocate this provision to a more appropriate location within the GISO and to identify this provision as a separate subsection within proposed Section 5262, as subsection (j).

Subsection (g).

Existing subsection (g), proposed Section 5262(k), prohibits repairs and services using flame-producing devices on vehicles carrying explosives.

It is proposed to include a new provision to the GISO as proposed subsection (k) that prohibits vehicles carrying explosive materials to be taken to a repair shop for any purpose. This proposal will have no effect on the regulated public as this provision already exists and are proposed for transfer from existing Section 1564(k) of the CSO, existing Section 7221(l) of the MSO, and existing Section 8526(l) of the TSO, to reflect the proposed reorganization of the explosive safety orders.

As the result of the above proposal, the provisions of existing subsection (g), proposed subsection (k), are proposed to be renumbered as subsection (k)(1). In addition, it is proposed to include a prohibition of using "heat" producing devices for service or repairs on vehicles carrying explosives and to substitute the term "explosives" with the term "explosive materials". These proposed revisions will have no effect on the regulated public as this proposal iterates existing terminology and practices used by the explosives industry.

Subsection (h).

Existing subsection (h), proposed Section 5262(l), requires that vehicles containing explosives when stored comply with the quantity table in Section 5252.

The reference to Section 5252 in proposed Section 5262(l) is proposed for repeal. Instead, additional language is proposed to indicate that the storage shall comply with the quantity distance table for the appropriate class of explosive materials. The proposed revisions will require the employer/licensed blaster to ensure the correct information is taken from the table when determining the appropriate storage location.

Subsection (i).

Existing subsection (i), proposed Section 5262(m), prohibits a driver of a vehicle containing explosives from leaving the cab without first stopping the motor and setting the parking brake. In addition, all reasonable precautions shall be taken to prevent the movement of such vehicles.

A revision is proposed to substitute the term "explosives" with the word "explosive materials" to reflect language presently used by the industry. In addition, clarifying language is proposed to indicate that the driver is not to leave the vehicle without taking measures to ensure the vehicle will not move, and to delete an unnecessary modifying phrase. These proposed revisions will have no effect on the regulated public as it provides clarity to the regulation.

Subsection (j).

Existing subsection (j), proposed Section 5262(n), prohibits leaving the vehicle unattended or parked near areas where persons work unless an emergency condition exists.

Revisions are proposed to proposed Section 5262(n) to substitute the term "explosives" with the word "explosive materials" to reflect current industry terminology and to remove the unnecessary statement "Even though attended". This proposal will have no effect on the regulated public as it provides terminology commonly used in the industry and removes unnecessary language.

It is the intent of this regulation to prohibit the parking of a vehicle containing explosive materials near places where persons are working, except those areas specifically designated for storage of explosive materials. Therefore, it is proposed to include where people "congregate" in proposed subsection (n) to include those areas where persons could be put at risk. This proposal will require the employer to choose areas to park a vehicle carrying explosive materials that does not put people at risk should an incident occur. In addition, it is proposed to delete the reference to Title 13, the California Vehicle Code. This proposed repeal will have no effect on the regulated public as this reference is informational only, and therefore, unnecessary, as persons transporting hazardous materials already have to comply with the California Vehicle Code.

A definition for "attended" is proposed as a "NOTE" to proposed Section 5262(n). The existing "NOTE" to Section 5263(o) is proposed for transfer with minor editorial revisions as a "NOTE" to proposed subsection (n) to relocate it to a more appropriate location. The reference to Title 13 in the "NOTE" to existing Section 5263(o) is proposed for deletion as it is informational only, and therefore, unnecessary, as persons transporting hazardous materials already have to comply with the California Vehicle Code. Therefore, the proposed repeal of this reference will have no effect on the regulated public.

Subsection (k).

Existing subsection (k), proposed Section 5262(o), prohibits flammable liquids from being carried in the vehicle's cargo space with explosives.

A revision is proposed to proposed Section 5262(o) to reference incompatible materials with examples to explicitly prohibit the transportation of any incompatible material in a vehicle cargo space with explosive materials. The intent of this proposal is to prevent the possibility of incompatible materials coming into contact with the explosive materials, resulting in an unwanted incident or explosion with the potential of employee/public injury. The provisions of subsection

(o) are proposed for transfer from existing Section 5263(n), with revisions to include generic descriptions of the hazards in lieu of listing specific items/conditions. Also, it is proposed to substitute the word "explosives" with the term "explosive materials" to reflect language presently used within the industry. This proposal will have no effect on the regulated public as these proposed revisions clarify the intent of the regulation.

Subsection (l).

Existing subsection (l), proposed Section 5262(p), prohibits smoking, carrying matches or other flame producing device, unauthorized firearms, loaded cartridges while in or near a motor vehicle carrying explosives, or drive or unload the vehicle in a careless or reckless manner.

A revision is proposed to proposed Section 5262(p) to add the phrase "be permitted to" following the phrase "No person shall" to clearly indicate to the employer that instructions are to be given to employees prohibiting sources of ignition on or near the vehicle and to give instructions in the manner the vehicle is to be driven. This proposed language will have no effect on the regulated public as this proposal adds emphasis that these are prohibited actions.

Subsection (m).

Existing subsection (m) prohibits the transporting of explosive materials, with the exception of those needed to promote the safety of the passengers or the operation of the vehicle, in or upon a public conveyance or vehicle carrying passengers for hire.

It is proposed to repeal subsection (m) as this requirement is enforced by other state and federal agencies. The California Highway Patrol actively enforces regulations promulgated by the USDOT with regards to transporting hazardous materials, and in what types of conveyances may be used on public streets and highways, and vehicles carrying passengers for hire. Therefore, this proposal to repeal subsection (m) will have no effect on the regulated public as this requirement duplicates the USDOT requirements.

Subsection (n).

Existing subsection (n) contains a statement that certain listed spark producing, reactive, corrosive, or contaminating materials cannot be carried loose in the cargo space of any motor truck and/or vehicle transporting explosive materials unless the loading of the hazardous materials complies with the USDOT regulations.

It is proposed to transfer the provisions of subsection (n) to proposed Section 5262(o), with revisions to substitute the listed specific items/conditions with generic descriptions of the hazards. This proposal provides clarity to the regulation and therefore, will have no effect on the regulated public.

In addition, it is proposed to repeal the provision allowing transportation when meeting the USDOT regulations. This proposal will have no effect on the regulated public as this provision is unnecessary because any vehicle carrying explosive materials must comply with USDOT regulations. This proposal prohibits the transportation of loose material in the cargo space of any motor vehicle/truck transporting explosive materials.

Subsection (o)

Existing subsection (o) states that a vehicle transporting Class A or Class B explosives must be attended at all times. Also, the person attending the vehicle is to be familiar with the explosives being transported and in the procedures to ensure the safety of persons in the vicinity. In addition, existing subsection (o) states that the person is to have the authority to move the vehicle.

It is proposed to transfer the provisions of existing Section 5263(o) to proposed Section 5262(i), with revisions to remove unnecessary language and to delete the first provision regarding vehicles transporting explosives shall be attended by a driver or other attendant of the motor carrier.

This proposed action will have no effect on the regulated public as this proposal relocates these provisions to a more logical subsection within proposed Section 5262. The proposed repeal of the first provision of existing subsection (o) will have no effect on the regulated public as proposed Section 5262(i) already contains a more specific and clearer requirement that states vehicles transporting explosive materials shall be driven by, and be in charge of, a licensed driver. The reference to the term "licensed driver" ensures that the individual in charge has the knowledge necessary to safely operate the vehicle. Drivers operating vehicles transporting hazardous materials must be knowledgeable of the applicable governing codes and regulations. In addition, the proposed repeal of the specific explosive classes reflects the proposed adoption of the international explosive materials classifications, Divisions 1.0 through 1.5 (see proposed Section 5252, TABLE EX-3). The proposed Divisions 1.0 through 1.5 explosive materials classification includes Class A and Class B explosives, thereby, making any reference to Class A or Class B explosives unnecessary. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (o)NOTE contains the definition for "attended".

It is proposed to transfer with minor editorial revisions the existing subsection (o)NOTE to proposed subsection (n)NOTE to relocate it to a more appropriate location by placing the definition of "unattended" into the regulation addressing the prohibition of

leaving a loaded vehicle unattended before reaching its destination. The reference to Title 13, California Vehicle Code, in the "NOTE" to existing Section 5263(o) is proposed for deletion as it is informational. Hazardous materials transporters already must be knowledgeable and comply with the California Vehicle Code. Therefore, the proposed deletion of this reference will have no effect on the regulated public.

New Subsection (q).

A new subsection (q), proposed to be at least as effective as the federal standard, requires the employer/licensed blaster to ensure explosive materials are only delivered to authorized persons and into authorized magazines or authorized temporary storage or handling areas.

This proposal will make California's state standard at least as effective as the federal counterpart regulation, 29CFR 1910.109(b)(3)(vi).

New Subsection (r).

A new subsection (r) to the GISO, which is proposed for transfer from existing Section 1564(e) of the CSO and proposed for repeal, will require that the transfer of explosive material from storage places be done in a manner that no undue delay occurs from the time they leave the storage area until they are used.

This proposal will have no effect on the regulated public as these provisions are currently contained in existing Section 1564(e) of the CSO, which is proposed for repeal, as the result of the proposed reorganization of the explosive safety orders.

New Subsection (s).

A new subsection (s), which is proposed to be at least as effective as the federal standard, requires the employer/licensed blaster to inform the appropriate agencies when a transfer from vehicle to vehicle of explosive materials is to take place. Additionally, in the event of a breakdown or collision, the appropriate emergency services agencies shall be notified. The transfer of explosive materials will take place only when qualified supervision is provided.

This proposal will make California's state standard at least as effective as the federal counterpart regulation, 29CFR 1910.109(d)(1)(iii).

Section 5264. Transportation of Explosives-Underground-General.

An editorial revision is proposed to the title of existing Section 5264 to substitute the term "Explosive Materials" in place of the word "Explosives" to be consistent with industry terminology.

Wherever the word "explosives" appears within the subsections of existing Section 5264, it is proposed to substitute the word "explosives" with the term "explosive materials" to be consistent with industry terminology. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) contains the definitions for car, train, and trackless vehicle as used within this regulation.

These definitions are proposed for transfer to Section 5237 in the definition section of the explosives materials section of the GISO. Therefore, existing subsection (a) is unnecessary. This proposal will have no effect on the regulated public as this proposed action consolidates all the applicable definitions relating to explosives materials into one section.

Subsection (c).

Existing subsection (c), proposed subsection (b), requires detonators, capped fuses, or other explosives transported in any car, vehicle, or shaft conveyance be enclosed in containers equipped with tight fitting covers. These containers shall be made of wood, metal, fiber, or other materials acceptable to the Division.

Revisions are proposed to proposed subsection (b) to add the term "equivalent" before the word "material" to clearly indicate that containers constructed of other materials having the characteristics of those listed are permitted and to delete the phrase "acceptable to the Division" as it does not clearly convey what is permitted. The effect of this proposal on the regulated public will be to permit the use of alternative material for containers without having to consult with the Division.

Subsection (d).

Existing subsection (d), proposed subsection (c), prohibits detonators, primers, or capped fuses to be transported in the same container or compartment with other explosives and references Section 5264 as an exception.

A revision is proposed to substitute the existing reference to Section 5263 with the reference to Section 5264(c)(1) to recognize the transfer of this requirement to its new location and, therefore, will have no effect on the regulated public.

New Subsection (c)(1).

A new subsection (c)(1) is proposed to address the transportation of detonators and capped fuses on the same vehicle.

This new subsection is proposed for transfer from existing Section 5263(b) to recognize the unique concerns within underground explosive operations. This proposal will have no effect on the regulated public as it merely relocates an existing regulation to a more appropriate section within the GISO.

Subsection (e).

Existing subsection (e), proposed subsection (d), addresses the transportation of primers.

An editorial revision is proposed to substitute the reference to subsection (c) with the reference to subsection (b) to reflect the proposed renumbering of Section 5264 as the result of the proposed revisions to this section. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (f).

Existing subsection (f), proposed subsection (e), prohibits the transportation of materials and equipment with explosives that are not incidental to the blasting operation.

A revision is proposed to include the prohibition for the transportation of rock or ore. This proposal will have no effect on the regulated public as these prohibited materials are proposed for transfer from existing Section 5267(f), a portion of these provisions are proposed for transfer and the other portion are proposed for repeal, and will continue to affect only underground blasting operations. In addition, it is industry practice not to transport explosive materials underground on any vehicle with anything except that equipment and material used in the blasting operation.

Section 5265. Transportation of Explosives-Hoisting or Lowering.

The title to existing Section 5265 indicates to the reader the following regulations apply to the hoisting and lowering of explosives.

An editorial revision is proposed to the title of existing Section 5265 to substitute the term "Explosive Materials" in place of the word "Explosives" to be consistent with industry terminology and therefore, will have no effect on the regulated public. In addition, it is proposed to include the word "Underground" following the proposed word "Materials" to indicate to the reader where the regulations apply. This proposal provides clarity and therefore, will have no effect on the regulated public.

Wherever the word "explosives" appears within the subsections of existing Section 5265, it is proposed to substitute the word "explosives" with the term "explosive materials" to be consistent with industry terminology. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires the hoistman to be notified before explosives are transported in the shaft conveyance.

An editorial revision is proposed to subsection (b) to delete a specific gender reference and therefore, will have no effect on the regulated public.

New Subsection (d).

A new subsection (d) is proposed which prohibits the handling or hoisting of ore, muck or other materials in an adjacent shaft compartment while explosive materials are being handled.

This new subsection is proposed for transfer from existing Section 7223(d) of the MSO and existing Section 8528(d) of the TSO to require employers/operators to ensure work activity in an adjacent shaft compartment is stopped during the movement and/or use of explosive materials. Therefore, this proposal will have no effect on the regulated public as it merely relocates existing regulations from the MSO and TSO to the GISO.

New Subsection (e).

A new subsection (e) is proposed that prohibits the conveying of primers and detonators in the same shaft conveyance that explosive materials are being transported unless in a powder car.

This proposal will have no effect on the regulated public as it is industry practice not to transport primers and detonators together. Also, the first provision of Section 8513(a) contains similar provisions and is proposed for transfer to new subsection (e) of this Section. In addition, Federal OSHA regulation, 29CFR 1926.903(o) contains the same prohibition.

Section 5266. Rail Transportation of Explosives-Underground.

An editorial revision is proposed to the title of existing Section 5266 to substitute the term "Explosive Materials" in place of the word "Explosives" to be consistent with industry terminology and therefore, will have no effect on the regulated public.

Existing Section 5266 contains specific prohibitions to be followed during the transportation of explosives underground. In addition, placarding requirements are given for the special powder car.

An editorial revision is proposed to the title of existing Section 5267 to substitute the term "Explosive Materials" in place of the word "Explosives" to be consistent with industry terminology and therefore, will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) requires only the train crew and powder men to be permitted to ride on a train transporting explosives.

An editorial revision is proposed to subsection (b) to delete a specific gender reference and therefore, will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires that when 100 pounds or more of explosives are transported on a train, the explosives shall be in a special powder car.

A revision is proposed to subsection (b) to raise the amount of explosive materials that may be carried without the use of a special powder car to 110 pounds. The reason for this proposed action is that the explosives manufacturers' packaging system has been changed from pounds to kilograms. Two boxes of 25

kilograms makes 110 pounds. This proposal will permit the employer/licensed blaster to continue to carry up to two cases of explosive materials before having to use a special powder box.

Subsection (c).

Existing subsection (c) prohibits the transportation of explosives on any locomotive.

A revision is proposed to subsection (c) to clearly indicate that explosive materials cannot be transported on or in any locomotive. This proposal will clearly require that the employer/licensed blaster transport the explosive materials remote from the locomotive.

Subsection (f).

Existing subsection (f) requires that when primers are transported in the powder car, they will be carried in a suitable box with divisions for each separate delay. In addition, when capped fuses are transported, they will be in suitable containers. The primer and powder compartments must be separated by an air space of at least 25 inches.

A revision is proposed to subsection (f) to substitute the word “shall” in place of the word “must” to maintain a format consistent with that which exists in Title 8. Therefore, this proposal is editorial in nature and will have no effect on the regulated public.

Section 5267. Transportation of Explosives-Underground-Special Trackless Vehicles.

An editorial revision is proposed to the title of existing Section 5267 to substitute the term “Explosive Materials” in place of the word “Explosives” to be consistent with industry terminology and therefore, will have no effect on the regulated public.

Wherever the word “explosives” appears within the subsections of existing Section 5267, it is proposed to substitute the word “explosives” with the term “explosive materials” to be consistent with industry terminology. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) requires that trackless vehicles used to transport explosives underground be truck-type, but not equipped with a dump body.

It is proposed to repeal subsection (a) as existing subsections (b) and (c), proposed subsections (a) and (b), are specific regarding the equipping of vehicles for the addressed purpose such as closed compartment that prevents accidental dumping. This proposal will have no effect on the regulated public as the provisions of proposed subsections (a) and (b) pertain to this regulation. Therefore, existing subsection (a) is unnecessary.

Subsection (b).

Existing subsection (b), proposed subsection (a), requires that vehicles used to transport explosives are to be especially equipped for that purpose.

Revisions are proposed to proposed subsection (a) to revise the referenced section as the result of proposed consolidation of existing Section 5263 into proposed Section 5262 and to delete an unnecessary phrase. These proposed revisions will have no effect on the regulated public as these proposed revisions are editorial in nature and do not alter the intent of the regulation.

Subsection (f).

Existing subsection (f) states trackless vehicles transporting explosives are not to contain rock, ore, or other materials or equipment except those used for blasting.

The provisions of subsection (f) specifying “rock, ore, other materials” are proposed for transfer to proposed Section 5264(e). This proposal will have no effect on the regulated public as it relocates this provision to a more appropriate location in the GISO and provides clarity to the regulation. The remaining provisions regarding explosives shall not be transported with other materials or equipment are proposed for repeal as proposed Section 5264(e) already contains these requirements and therefore, will have no effect on the regulated public.

Subsection (g).

Existing subsection (g) permits only the blaster and vehicle operator to ride on the vehicle carrying the explosives.

Subsection (g) is proposed for repeal as existing Section 5263(f) contains similar provisions and is proposed for revisions to a more appropriate location in the “general” transportation section of proposed Section 5262(j) that permits the vehicle operator and powder crew to ride on the vehicle. The repeal of this provision and the reference to the blaster will have no effect on the regulated public as the employer is already required by Labor Code, Section 7990 to ensure blasting operations are under the supervision of a licensed blaster. Therefore, the reference to the blaster is unnecessary.

Section 5268. Transportation of Explosives-Manual.

An editorial revision is proposed to the title of existing Section 5268 to substitute the term “Explosive Materials” in place of the word “Explosives” to be consistent with industry terminology and therefore, will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) requires that explosives that are transported manually be placed in suitable bags or other containers.

Subsection (a) is proposed for revision to substitute the term “explosive materials” with the word “explosives” to be consistent with industry terminology and therefore, will have no effect on the regulated public. Subsection (b).

Existing subsection (b) requires that detonators and primers be transported in separate bags or containers.

It is proposed to revise subsection (b) to prohibit the manual transportation of detonators and primers within the same containers of other explosive materials. This proposal will have no effect on the regulated public as it merely reflects current industry practice. In addition, it is proposed to substitute the word “explosives” with the term “explosive materials” to be consistent with industry terminology and therefore, will have no effect on the regulated public. Section 5269. Transportation of Explosives-Air and Water.

An editorial revision is proposed to the title of existing Section 5269 to substitute the term “Explosive Materials” in place of the word “Explosives” to be consistent with industry terminology and therefore, will have no effect on the regulated public.

Section 5270. Explosives at Railway and Truck Terminals.

An editorial revision is proposed to the title of existing Section 5270 to substitute the term “Explosive Materials” in place of the word “Explosives” to be consistent with industry terminology and therefore, will have no effect on the regulated public.

Existing Section 5270(a) requires that every railway car or truck containing explosives which has reached its destination or stopped and is no longer in interstate commerce shall remain placarded in accordance with the appropriate U.S. Department of Transportation regulations.

Subsection (a) is proposed for revision to substitute the term “explosive materials” in place of the word “explosives” to be consistent with industry terminology and therefore, will have no effect on the regulated public.

Article 116. Handling and Use of Explosives-Blasting Operations.

An editorial revision is proposed to the title of existing Article 116 to substitute the term “Explosive Materials” with the term “Explosives” to reflect terminology used within the industry and therefore, will have no effect on the regulated public. In addition, it is proposed to include the word “in” following the proposed word “Materials” and to delete the “dash” following the proposed word “Materials” to clearly indicate that these regulations apply to the handling and use of explosive materials in blasting operations to read as entitled “Handling and Use of Explosive Materials in Blasting Operations”. This proposal is

editorial in nature and provides clarity to the regulation and therefore, will have no effect on the regulated public.

Section 5276. General.

Wherever the word “explosives” appears within the subsections of existing Section 5276, it is proposed to substitute the word “explosives” with the term “explosive materials” to be consistent with industry terminology. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) requires that only authorized competent persons be in immediate charge of blasting.

Subsection (a) is proposed for repeal as Labor Code, Section 6710 and proposed Section 5238(a) of the GISO require blasting operations to be under the direct supervision of a licensed blaster.

Subsection (b).

Existing subsection (b), proposed subsection (a), prohibits smoking or open flames within 50 feet of any area where explosives are being handled.

It is proposed to revise subsection (a) to prohibit other sources of ignition with an exception for devices necessary to ignite the fuses. This proposal will require the employer to insure that no unnecessary spark or flame producing operations such as grinding or welding occurs within 50 feet of where explosives are handled.

A “NOTE” is proposed to clarify that internal combustion engines equipped with spark arresters that are designed and functioning properly are not considered sources of ignition. This proposal will permit the employer to operate vehicles equipped with functioning spark arresters around explosive materials.

Subsection (c).

Existing subsection (c) prohibits energized power cables or sources of ignition except those necessary to the loading and firing operations in an area containing loaded holes.

Subsection (c) is proposed for repeal as its provisions duplicate requirements contained in proposed Section 5276(d) and Section 5299(g). Therefore, this proposal will have no effect on the regulated public.

Subsection (e).

Existing subsection (e), proposed subsection (c), prohibits the reuse of empty boxes and paper and fiber packing materials that have previously contained high explosives. An EXCEPTION is provided to permit the use of containers designed and maintained for reuse.

Editorial revisions to subsection (c) are proposed for clarity including the addition of the word “other” before the word “purpose” to specify in the regulation that packing containers with high explosives shall not

be used again for any other purpose. These proposed revisions are editorial in nature and therefore, will have no effect on the regulated public.

Subsection (f).

Existing subsection (f), proposed subsection (d), prohibits explosives from being placed or left within five feet of electrical light or power circuit except during transportation.

Subsection (d) is proposed for revisions to delete the phrase “or left” as this language is unnecessary and to clearly indicate that explosives are not to be placed within 25 feet of exposed electrical circuits.

This proposal is consistent with the existing provisions of Section 1565(d) of the CSO and therefore, will have no effect on the regulated public. The provisions of existing subsection (f) are similar to the existing provisions of Section 7230(f) of the MSO and Section 8535(f) of the TSO that are proposed for repeal to eliminate duplicative regulations throughout Title 8 and therefore, will have no effect on the regulated public.

In addition, it is proposed to substitute the phrase “electrical circuits” in place of the phrase “electric light circuit or electrical power circuit” as electric light circuit or electrical power circuit are electrical circuits and therefore, unnecessary to reference in the regulation. This proposal will have no effect on the regulated public as it merely eliminates unnecessary language in the regulation.

Subsection (g).

Existing subsection (g), proposed subsection (e), lists specific explosive devices or materials that when they are left over from loading operations are to be promptly returned to the appropriate magazine.

Subsection (g) is proposed for revisions to delete the specific references of explosives and to insert the generic term “explosive materials” to be consistent with terminology used within the industry. In addition, the specific types of explosives listed are explosive materials and therefore, are not necessary to reference. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (h).

Existing subsection (h), proposed subsection (f), requires that provisions be made to prevent flying rock or material that may damage property and to ensure that an adequate blasting mat has been securely anchored.

It is proposed to revise subsection (f) to clearly indicate that the employee is also to be protected. This proposal will have no effect upon the regulated public as blasting mats have always served the dual purpose of providing for both property and employee safety. In addition, the adjectives “adequate” and “securely” are proposed for deletion. The word “adequate” is

unnecessary as the blasting mat either does or does not mitigate the anticipated hazard of flying material. The word “securely” is unnecessary as the word “anchored” implies securely fastened. Therefore, this proposal will have no effect on the regulated public as these adjectives are unnecessary.

New Subsection (g).

A new subsection (g) is proposed to prohibit persons under the age of 21 years from entering an explosive storage magazine or handling, using, or transporting explosive materials. In addition, an EXCEPTION is provided for those persons 18 years or older who are under the direct supervision of a licensed blaster.

This proposal requires employers to develop protocols for persons 18 to 21 years old when working around blasting operations. However, this proposal will have no effect on regulated public as these provisions already exist and are proposed for transfer from existing Section 5238(a) and (b), existing Section 7200 and 7275(c) of the MSO, and existing Section 8505 of the TSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (h).

A new subsection (h) is proposed to require that the employer/user promptly clean up spilled explosives.

Similar requirements are contained in existing Section 5312(j) pertaining to explosives loading and assembly operations and proposed Section 5329(m) pertaining to manufacturing operations covering completely different types of operations.

New Subsection (i).

A new subsection (i) is proposed to require that the employer/user ensure that explosive materials are not subjected to excessive heat, friction, or force.

Similar requirements are contained in existing Section 5312(k) pertaining to explosives loading and assembly operations covering a completely different type of operation.

New Subsection (j).

A new subsection (j) is proposed to require the employer/user to use the appropriate explosive materials for the environmental conditions expected to be encountered.

This proposed language was recommended by the advisory committee to clarify the use of the proper explosives for the environmental conditions expected.

New Subsection (l).

New subsection (l) requires the employer/licensed blaster to instruct and ensure that fire suppression is not attempted, employees are moved to a safe area, and the fire area guarded against intruders where explosive materials are in imminent danger of contact with a fire.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1565(l) of the CSO, to reflect the proposed reorganization of the explosive safety orders.

Section 5277. Tamping Poles and Devices.

The title of Section 5277 addresses tamping poles and devices.

It is proposed to substitute the word “or” in place of the word “and”. This proposal indicates to the reader that there are “devices” in addition to tamping poles that are available for final seating of explosive materials in a bore/shot hole.

Subsection (a).

Existing subsection (a) states what material a tamping pole is to be made of.

It is proposed to revise subsection (a) to reference “devices” in the regulation, to delete the adjective “acceptable”, and to indicate the pole is to be manufactured for the purpose of tamping explosives. These proposed revisions require the employer/user to ensure that poles or devices used for tamping have been manufactured for that purpose. The proposed deletion of the word “acceptable” will have no effect on the regulated public as the word “acceptable” is vague. In addition, this proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1567(l) of the CSO; existing Section 7231(a) and (d) of the MSO; and existing Section 8536(a) and (d) of the TSO, to reflect the proposed reorganization of the explosive safety orders.

Also, it is proposed to add a “NOTE” to provide information to the employer/user of the negative characteristics of some plastics.

This NOTE is proposed for transfer from existing subsection (d)NOTE, existing Section 7231(d)NOTE of the MSO, and existing Section 8536(d)NOTE of the TSO, with revisions to delete the reference to the acceptance by the Division, and also existing Section 1567(l)NOTE of the CSO, that are proposed for transfer to proposed subsection (a)NOTE. The proposed deletion of the Division’s acceptance will have no effect on the regulated public as the word “acceptance” is vague and therefore, this provision is unnecessary. This proposal will have no effect on the regulated public as it merely reflects practices and methods presently used within the industry and also the “NOTE” is informational only.

Subsection (d).

Existing subsection (d) states that plastic tamping poles shall not be used unless their use has been accepted by the Division.

Subsection (d) is proposed for repeal as the proposed revisions to subsection (a) will address the concerns of using equipment that is compatible with the explosive materials being used and therefore, will have no effect on the regulated public.

Also, it is proposed to transfer the existing “NOTE” to subsection (d) to follow proposed subsection (a) to provide information to the employer/user of the negative characteristics of some plastics. The transferred NOTE is proposed for revision to delete the references to the Division and the manufacturer, as the proposed revisions to subsection (a) will address these concerns. The NOTE is informational only and informs the users of tamping poles or devices the purpose for using only poles or devices manufactured for tamping explosives, and not using “jury rigged” pieces of PVC or other inappropriate plastic materials which could cause a premature detonation.

In addition, the provisions of this NOTE already exist and are proposed for transfer from existing Section 1567(l)NOTE of the CSO, existing Section 7231(d)NOTE of the MSO, and existing Section 8536(d)NOTE of the TSO, to reflect the proposed reorganization of the explosive safety orders.

Section 5278. Loading of Explosive Materials-General.

New Subsection (b).

A new subsection (b) is proposed to require that at least 5 foot candle lighting is provided to ensure safe loading operations. Also, this proposal requires the use of approved lights when they are placed within 50 feet of the loading operation.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 8537(t) of the TSO, to reflect the proposed reorganization of the explosives safety orders. The amount of adequate illumination is stipulated in Section 1523 of the CSO.

Subsection (c).

Existing subsection (c), proposed subsection (d), requires that loading operations be conducted with the smallest practical number of employees present, requiring persons not associated with the loading operation to be at least 50 feet from the loading area. In addition, an “EXCEPTION” is included specifying the requirements at locations where the 50 foot minimum distance cannot be maintained.

Subsection (c) is proposed for revisions to indicate that explosive materials loading equipment be present and permitted to be within 50 feet of the loading operation. This proposal will not effect the regulated public as it clarifies the intent of the regulation.

Also, it is proposed to delete the word “EXCEPTION” and editorially revise wording to delete the word “feet” and include the phrase “foot minimum

distance” to provide clarity to the regulation to specify that the regulation is referring to distance. Instead of including the word “EXCEPTION” in the regulation, it is proposed to transfer the provisions of existing Section 1567(c)(1) to proposed Section 5278(d)(1) and therefore, deleting the existing reference to Section 1567(c) of the CSO. Deleting this existing reference will have no effect on the regulated public as this reference is unnecessary. In addition, it is proposed to transfer to a more appropriate location in Section 5278(d)(2) the provisions of existing Section 1567(c)(2)(A)–(D). This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1567(c)(1) and (c)(2)(A)–(D), which is proposed for repeal, to reflect the proposed reorganization of the explosive safety orders.

Subsection (g).

Existing subsection (g), proposed subsection (h), requires that when tamping explosives in a borehole that the tamping be done by pressure or by light blows. The primer shall not be tamped.

A revision is proposed to subsection (h) to delete the specific reference to explosives in a borehole. This proposed revision will have no effect on the regulated public as it merely removes a redundant phrase.

Subsection (h).

Existing subsection (h), proposed subsection (i), requires that all blast holes be stemmed to a point that will sufficiently contain the charge.

A revision is proposed to subsection (i) to clearly indicate that it is during open or above ground work that stemming is necessary and stemming should be accomplished. This proposed revision may result in not having to stem some or all of the blast holes at some operations.

Subsection (j)(3).

Existing subsection (j)(3) states that drop fuses or other methods that call for ignition of the fuse prior to placement of the charge in its final position shall not be used, except for avalanche blasting.

It is proposed to renumber existing subsection (j)(3) to subsection (l) as this provision does not pertain specifically to springing holes. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (m).

Existing subsection (m), proposed subsection (o), requires that blasting holes be charged as near to blasting time as practical. Also, the charges are to be detonated as soon as possible, but not to exceed 72 hours after charging provided the requirements of Section 5278(q) are complied with.

Revisions are proposed to subsection (o) to permit only geophysical operations to be exempt from this regulation as the provisions of Section 5278(w), if followed, will not cause injuries to the employees. The nature of geophysical operations requires separate crews to prepare drilling, loading, and detonating the loaded holes for the operation of seismic testing, and it requires time between loading and detonation to prepare testing equipment installation. This proposal requires, except as permitted, that loaded holes be charged as near to the blasting time as possible and exempts geophysical operations from this provision as this type of operation may require the charging of a hole days in advance of the blasting date because of the number, location, and depth of the boreholes necessary to obtain the required information. The proposed revision to place this exception at the beginning of the requirement is proposed to clarify the regulation and does not effect the existing requirement.

The proposed repeal of the statement that permits blasting to take place up to 72 hours after the completion of charging is necessary to conform to industry practice and therefore, will have no effect on the regulated public. During the advisory committee, it was determined that charged holes are blasted as soon as possible after charging, and that a 72 hour delay is not acceptable.

New Subsection (o)(1)

New subsection (o)(1) requires that no explosive materials be left unattended at the blast site.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1565(o) of the CSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (o)(2).

New subsection (o)(2) requires that the employer/ licensed blaster make provisions to ensure that the loaded holes are not left unattended, except as permitted in Section 5278(w).

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1565(j) of the CSO, to reflect the proposed reorganization of the explosive safety orders. An exception statement is proposed to recognize that geophysical operations often require that drilled and loaded holes are left unattended when specific conditions exist. This proposal will have no effect on the regulated public as this exception emphasizes only geophysical operations as stated in proposed Section 5278(w).

Subsection (u).

Existing subsection (u) states that different brands of electric detonators shall not be used in the same round.

It is proposed to transfer the requirements of subsection (u) to proposed Section 5299(j) as Section 5299 pertains to firing with electricity. This proposal will have no effect on the regulated public as this proposed action relocates existing subsection (u) to a more appropriate section within the GISO as proposed Section 5299(j).

In addition, similar provisions are currently contained in existing Section 1573(c) of the CSO, existing Section 7232(q) of the MSO, and existing Section 8537(p) of the TSO that are proposed for repeal to eliminate duplicative regulations throughout Title 8.

Subsection (v).

Existing subsection (v), proposed subsection (w), requires that loaded holes intended for geophysical operations shall be either attended; or anchored, tamped or stemmed so that the charge cannot be removed or left so that the detonators leads are inaccessible to or concealed from unauthorized persons.

In addition to minor editorial revisions to clarify the regulation, it is proposed to revise subsection (w) to include new language as proposed subsection (w)(2) that ensures unattended loaded holes intended for geophysical operations be loaded in such a manner that should a detonation occur, no injuries could occur. As a result of this proposal, it is proposed to reformat this subsection. Therefore, this proposal will have no effect on the regulated public other than to clarify the original intent of the regulation.

Section 5279. Loading and Blasting Near and Under A Power Line.

The title to this regulation applies to operations near and under power lines.

A revision is proposed to the title of Section 5279 to address the loading and blasting near or under power lines to clearly indicate that both conditions, blasting operations near or blasting operations under power lines, will be required to comply with Section 5279. However, this proposed revision will have no effect on the regulated public as it is being done to be consistent with the existing regulatory language.

Subsection (a).

Existing subsection (a) requires that when surface blasting under or near overhead power lines, the leading wires are to be placed at right angles of the power lines, and securely anchored to prevent the lead wires from being thrown into the overhead lines as the result of the blasting operation.

A revision is proposed to subsection (a) to substitute the term "electric initiated" in place of the word "surface" blasting. This proposed revision requires the employer/licensed blaster to ensure all electric initiated blasting leading wires are placed at 90 degrees to the power lines and are anchored to prevent being thrown upwards into the power lines. Also, the proposed revision exempts non-electric blasting from the provisions of this subsection. In addition, it is proposed to repeal the word "surface" as it is unnecessary and therefore, will have no effect on the regulated public. The underground blasting regulations already prohibit loading and blasting within specified distances of electrical wiring.

Subsection (b).

Existing subsection (b) requires that the loaded holes are to be covered with an adequate nonconductive blasting mat securely anchored to prevent material from being blown into the overhead lines.

Revisions are proposed to subsection (b) to delete the adjectives "adequate" and "securely". The word "adequate" is unnecessary as the nonconductive blasting mat either does or does not mitigate the anticipated hazard of flying materials. The word "anchored" is unnecessary as the word "anchored" implies securely fastened. Therefore, this proposal will have no effect on the regulated public as these adjectives are unnecessary.

Section 5280. Pneumatic Loading of Explosives for Blasting.

The existing Section 5280 is entitled "Pneumatic Loading of Explosives for Blasting".

A revision is proposed to the title of Section 5280 to substitute the term "Explosive Materials" in place of the word "Explosives" to be consistent with industry terminology. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Wherever the word "explosives" appears within the subsections of existing Section 5280, it is proposed to substitute the term "explosive materials" in place of the word "explosives" to be consistent with industry terminology. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) contains an application statement for this section.

Subsection (a) is proposed for repeal as it merely iterates what Section 5280 applies to. Therefore, the repeal of subsection (a) will have no effect on the regulated public as it is unnecessary.

Subsection (b).

Existing subsection (b) contains the definitions for the terms used within Section 5280.

The definitions in subsection (b) are proposed for transfer to Section 5237 to consolidate all the definitions into one section, the definition section for Group 18. Therefore, this proposal will have no effect on the regulated public.

Subsection (c). Construction of Air Loaders.

Existing subsection (c), proposed subsection (a)(1), prohibits the loading of nitro-carbo-nitrate into any air loader constructed of copper alloys or zinc materials that will react with the explosive materials.

It is proposed to revise subsection (a)(1) to substitute a generic reference to “blasting agents” wherever the term “nitro-carbo-nitrate” appears in the regulation. This proposal will have no effect on the regulated public as nitro-carbo-nitrate is a blasting agent.

Subsection (c)(3).

Existing subsection (c)(3), proposed subsection (a)(3), requires that pressurized air loaders be designed, constructed, inspected and stamped in compliance with the Unfired Pressure Vessel Safety Orders of the Division of Industrial Safety for a maximum allowable working pressure of at least 125 pounds per square inch (psi).

It is proposed to revise subsection (a)(3) to delete unnecessary or duplicative language and an outdated reference to the Division of Industrial Safety. These proposed revisions will have no effect on the regulated public as the requirements of the Unfired Pressure Vessel Safety Orders will continue to apply.

Subsection (d). Air Loader Equipment.

Subsection (d)(1).

Existing subsection (d)(1), proposed subsection (b)(1), requires that an air trap or a filter of a specific mesh size be installed on the air supply line adjacent to the loader when a pressure vessel is used.

It is proposed in subsection (b)(1) to delete a redundant phrase relating to when an explosive is being loaded as Section 5280 applies only to loading operations. Therefore, this proposal will have no effect on the regulated public.

Subsection (d)(2).

Existing subsection (d)(2), proposed subsection (b)(2), requires the installation of a standard manufactured air pressure reducing regulator in the air supply line and that it shall be part of the loader assembly for a pressure-type loader.

It is proposed in subsection (b)(2) to delete the second “shall” as being redundant. Therefore, this proposed revision will have no effect on the regulated public as the second “shall” is unnecessary.

Subsection (e). Air Temperature and Pressure.

Subsection (e)(3).

Existing subsection (e)(3), proposed subsection (c)(3), requires that when an explosive is being loaded, the air pressure relieving safety valve shall be set to open at a pressure not to exceed 55 pounds per square inch (psi). In addition, when a blasting agent is being loaded, the safety valve shall be set at not more than 110% of the safe loading pressure, but in no case to exceed 110 psi.

It is proposed to identify the last sentence in subsection (c)(3) as new subsection (c)(4). This proposal provides clarity in the regulations by specifying this requirement as a separate provision, and therefore, will have no effect on the regulated public.

Subsection (f). Control of Static Electricity and Stray Currents.

Subsection (f)(1).

Existing subsection (f)(1), proposed subsection (d)(1), requires that a continuous electrical path be provided from the discharge end of the loading tube, through the loading tube, the loading line, the air loader, and to the ground and includes a statement describing a normal equipment to earth grounding condition. In addition, the discussion elaborates on how grounding can be accomplished when conditions are not ideal.

It is proposed in subsection (d)(1) to delete an informative statement that is not necessary and to propose editorial revisions to be specific that when the air loader is placed on non-conductive rock or earth, grounding will be provided, and to identify this requirement as new subsection (d)(2). These proposed revisions will have no effect on the regulated public as this proposal merely clarifies the intent of the regulation.

New Subsection (d)(3).

New subsection (d)(3) is proposed to prohibit the grounding of pneumatic loading equipment to water lines, airlines, rails, or other permanent electrical grounding systems.

This proposal will have no effect on the regulated public as this requirement is currently contained in existing Section 7234(d)(1) of the MSO and existing Section 8539(d)(1) of the TSO and are proposed for transfer into the GISO, as a result of the proposed reorganization of the explosive safety orders. This proposal requires the employer to use a direct to earth grounding system during air loading operations in lieu of existing pipe, rails, or permanent grounding systems.

Subsection (f)(3).

Existing subsection (f)(3) prohibits loading operations during the time an electrical storm is approaching or in progress.

It is proposed to transfer the requirements of subsection (f)(3) to proposed Section 5245(a) as Section 5245 pertains to "Blasting Operations During Lightning and Dust Storms". This proposal will have no effect on the regulated public as this proposed action relocates existing subsection (f)(3) to a more appropriate section within the GISO as proposed Section 5245(a).

Section 5291. Firing of Explosives.

The title of existing Section 5291 is entitled "Firing of Explosives".

The title to Section 5291 is proposed for revision to include the parenthetical phrase "(Blasting Operations)" to clearly indicate that these regulations apply only to blasting operations. This proposal clarifies the intent of the regulation and therefore, will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) requires the employer or his designated representative to fix the time of blasting.

It is proposed to revise subsection (a) to require that the licensed blaster-in-charge fix the time of blasting. This proposal will have no effect on the regulated public as it merely reflects current industry practice.

A "NOTE" to subsection (a) relating to conducting blasting operations insofar as possible between sunup and sundown is proposed for repeal. This proposal will have no effect on the regulated public as the "NOTE" is informational only and therefore, unenforceable.

Subsection (b).

Existing subsection (b) requires that a positive signal and definite assurance that all surplus explosives are in a safe place and personnel are in a place of safety.

It is proposed to revise subsection (b) to delete an unnecessary adjective, to clarify the type of signal required, to permit procedures as well as signals, and to specifically state when the blast may be fired. These proposed revisions will permit the employer to use alternatives to signals and require the blasting to be delayed until all safeguards have been met.

Subsection (c).

Existing subsection (c) requires that precautions such as warning signs, barricades, or flagmen be taken to prevent the unauthorized entry into the blast area.

It is proposed to revise subsection (c) to substitute the phrase "such as the following" in place of the phrase "including, but not limited to" with corresponding punctuation revisions, and to delete a specific gender reference. This proposal will have no

effect on the regulated public as these proposed revisions are editorial in nature.

Subsection (d).

Existing subsection (d) requires that warning signals be given when firing explosives. This subsection gives examples of types or methods for giving signals.

It is proposed to revise subsection (d) to transfer the existing signaling requirements contained in existing Section 1566(d) of the CSO, with editorial revisions. This proposal will have no effect on the regulated public as it is already required by the Construction Safety Orders and merely reflects the proposed reorganization of the explosive safety orders.

New Subsection (e).

New subsection (e) is proposed that requires the type of method of warning to be conspicuously posted and the employees to be made familiar and instructed in the signals.

This proposal will have no effect on the regulated public as this requirement is currently contained in existing Section 1566(e) of the CSO and is proposed for transfer into the GISO, with minor editorial revisions, as a result of the proposed reorganization of the explosive safety orders.

New Subsection (f).

New subsection (f) is proposed that requires the licensed blaster to visually inspect the blast area before the "all clear" signal is given. In addition, this subsection states that when misfires are found, the provisions of Section 5293 are to be followed before the "all clear" signal is given.

This proposal will have no effect on the regulated public as these requirements are currently contained in existing Section 1566(f) of the CSO and are proposed for transfer into the GISO as a result of the proposed reorganization of the explosive safety orders.

New Subsection (g).

New subsection (g) is proposed that requires the employer/blaster to post warning signs at the access locations with specific size lettering on a contrasting background indicating the approach/approaches to a blast area.

This proposal will have no regulatory effect as the regulated public is already required to comply with the federal counterpart regulation, 29CFR 1926.905(p).

Subsection (e).

Existing subsection (e), proposed subsection (h), requires that utility representatives be notified at least 24 hours in advance of blasting when the operation is in the vicinity of the affected utility. Also, verbal notice shall be confirmed with written notice.

It is proposed to revise subsection (h) to include the word "pipelines" prior to the existing word "gas" and to include the phrase "flammable liquid gas pipe-

lines” to make it clear the meaning of “gas” in the existing language. In addition, it is proposed to include the phrase “pipelines or” prior to the word “utilities” to clarify that pipeline operators/representatives are to be notified prior to initiating blasting operations. This proposal will have no effect on the regulated public as it provides clarity to the original intent of the regulation as the existing word “gas” means gas pipelines and flammable liquid gas pipelines.

In addition, it is proposed to revise subsection (h) to include the phrase “before the blast” following the language “Verbal notice shall be confirmed with written notice” to clarify when written notice needs to be confirmed to ensure that the owner(s) of the pipelines or utilities was/were notified in advance prior to the blast. This proposal will have no effect on the regulated public as it clarifies the original intent of the regulation.

The term “licensed” is proposed to be included before the word “blaster” to be consistent with the proposed revisions throughout Group 18 regulations. This proposed revision will have no effect on the regulated public as Labor Code, Section 7990 already requires that blasting operations be under the direct supervision of a licensed blaster.

New Subsection (i).

New subsection (i) is proposed that requires the employer/blaster to inspect the blast area to ascertain if there are any residual toxic vapors/fumes which could be hazardous to employees

This proposal will have no effect on the regulated public as this provision is currently contained in existing Section 8537(x) of the TSO and is proposed for transfer into the GISO, as a result of the proposed reorganization of the explosive safety orders.

New Subsection (j).

New subsection (j) is proposed to address post-blasting operations and requires after blasting, the blasting crew to wait at least 5 minutes before returning to the point of blasting.

This proposal will have no effect on the regulated public as these provisions are currently contained in existing Section 1578(b) of the CSO and existing Section 8537(x) of the TSO and are proposed for transfer into the GISO, as a result of the proposed reorganization of the explosive safety orders.

New Subsection (k).

New subsection (k) is proposed to require, when blasting underground, a minimum 15 minute wait before anyone is to enter a place where primary blasting has been done using power and lighting circuits.

This proposal will have no effect on the regulated public as these provisions are currently contained in existing Section 5304(f) of the GISO and are proposed

for transfer to a more appropriate location in the GISO as subsection (k). In addition, the provisions of subsection (k) are currently contained in existing Section 7254(f) of the MSO and existing Section 8552(f) of the TSO and are proposed for transfer into the GISO, as a result of the proposed reorganization of the explosive safety orders.

This proposal will have no regulatory effect as the regulated public is already required to comply with the federal counterpart regulations, 29CFR 1926.910(b) that requires a 15-minute wait prior to re-entry in tunnel operations.

Section 5292. Secondary Blasting.

Subsection (a).

Existing subsection (a) prohibits activity of any kind that could cause the premature detonation of explosives that have been placed or are being placed for secondary blasting.

It is proposed to revised subsection (a) to substitute the term “explosive materials” in place of the word “explosives”. This proposal will have no effect upon the regulated public as the term “explosive materials” reflects language currently used in the industry.

Section 5293. Misfires.

Subsection (b).

Existing subsection (b) requires that in the case of a misfire, the shot area will be made safe under competent supervision by one of the methods listed in the regulation. Either a 30 or 60-minute wait is required depending whether it was electric blasting or fuse cap blasting, respectively.

It is proposed to revise subsection (b) to require the employer/blaster using non-electric shock tube blasting to wait 30 minutes before entering a blast area should a misfire occur.

Subsection (b)(4)(B).

Existing subsection (b)(4)(B) requires a substantial concrete cap capable of containing the explosion be placed above the explosive material at least 3 feet below the ground surface, or other permanent protection be installed. This provision follows concurrence by the Division that retrieval of explosive materials in a misfired geographical operation is unsafe.

It is proposed to revise subsection (b)(4)(B) to include the letter “s” after the term “explosive material” to be consistent with language currently used by the industry and therefore, this proposal will have no effect on the regulated public.

New Subsection (c).

New subsection (c) is proposed that requires the employer/blaster to clear that portion of the blast area of all persons where it is suspected that explosive

materials are burning in a bore/shot hole. In no case shall anyone be permitted back into the area for at least one hour.

This proposal will have no effect on the regulated public as these requirements are currently contained in existing Section 7237(e) of the MSO and existing Section 8542(e) of the TSO and proposed for transfer into the GISO as a result of the proposed reorganization of the explosive safety orders.

Section 5295. Use of Safety Fuse—General.

Existing Section 5295 contains requirements relating to safety fuse used for fuse cap blasting, determining the burning rate of the safety fuse, posting of notices, and prohibiting the use of damaged safety fuses.

Subsection (b).

Existing subsection (b) contains requirements that determine the burning rate of the safety fuse.

It is proposed to revise subsection (b) to indicate how the burn rate is to be determined and how many tests are to be made to determine that rate. This proposal will require the user/operator to make three tests using three-foot lengths of fuse for each test to ensure the burn rate is within 10% of the manufacturer's stated burning range. Also, the test will have to be done at or near the blast area.

Subsection (c).

Existing subsection (c) states where the notice showing the burning rate of the safety fuse is to be displayed prominently.

It is proposed to revise subsection (c) to substitute the word "conspicuously" in place of the word "prominently." This proposal is editorial and therefore, will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) forbids the use of safety fuse that has been hammered or damaged.

It is proposed to revise subsection (d) to substitute language stating that damaged fuse shall not be used. This proposed revision is editorial and therefore, will have no effect on the regulated public.

This proposed language is currently contained in existing Section 1571(g) of the CSO that is proposed for deletion to eliminate duplicative language and to consolidate the explosive safety orders into the GISO.

New Subsection (e).

A new subsection (e) is proposed which requires the employer/user to retest previously used rolls of safety fuse if they have not been fully used and were placed in storage after the initial testing and use.

Section 5296. Safety Fuse Storage.

Subsection (b).

Existing subsection (b) prohibits the storage of safety fuse used underground unless it is dry and the relative humidity of the air is less than 80%.

It is proposed to revise subsection (b) to require that igniter cord is also to be stored in the same manner as a safety fuse. Also, not only is the air to be dry with the humidity less than 80%, the air is required to be cool and oil/grease free. In addition, editorial revisions are proposed to subsection (b) to clarify the intent of the proposed revisions to the regulation and therefore, will have no effect on the regulated public.

This proposal requires the employer to store safety fuse and igniter cord in a manner to prevent oil contamination. However, this proposal will have no additional effect on the regulated public as similar provisions are currently contained in existing Section 7242(d) of the MSO and existing Section 8545(d) of the TSO and are proposed for transfer into the GISO, as a result of the proposed reorganization of the explosive safety orders.

Section 5297. Making Cap Fuses and Primers.

Subsection (c).

Existing subsection (c) permits only ring type-crimpers of standard design be used for attaching catching blasting caps to safety fuses. Also, this regulation describes crimpers that are not permitted and that the employer is to furnish a suitable crimper that is kept in an accessible place ready for use.

It is proposed to revise subsection (c) to include the term "cap" before the term "crimper" to clarify the type of crimp to be used. This proposal will have no effect on the regulated public as it clarifies the intent of the regulation.

Similar language is currently contained in existing Section 1571(e) of the CSO, existing Section 7243(c) of the MSO, and existing Section 8546(c) of the TSO that is proposed for deletion to eliminate duplicative language and to consolidate the explosive safety orders into the GISO.

New Subsection (d)

New subsection (d) requires the employer to ensure that fuse ends are cut squarely with a sharp cutting blade, the capping operation is performed in a safe, dry area, and no smoking signs are conspicuously posed.

This proposal will have no effect on the regulated public as similar provisions are currently contained in existing Section 1571(d) and (h) of the CSO, existing Section 7243(f) of the MSO, and existing Section 8546(f) of the TSO and are proposed for transfer to a more appropriate location in the GISO as subsection (d), as a result of the proposed reorganization of the explosive safety orders.

Subsection (e).

Existing subsection (e), proposed subsection (f), forbids attaching capped fuse to the cartridge by using a half hitch tied knot. In addition, this regulation recommends that the string tied method or other equally effective means be used.

It is proposed to revise subsection (f) to specifically state that a half hitch is not to be used and to delete the recommendation that string-tied or other equally effective means be used. This proposal will have no effect on the regulated public as these proposed revisions merely clarify the intent of the regulation.

New Subsection (g).

The language following the two sketches (string tied primer and laced primer) for recommended methods of attaching capped fuse to primer cartridge is proposed to be transferred as new subsection (g). This proposal requires the employer to ensure safety fuse is not kinked when using the lacing method. In addition, an editorial revision is proposed to substitute the word "shall" in place of the word "must" to be consistent with existing Title 8 format and therefore, will have no effect on the regulated public.

In addition to two sketches (string tied primer and laced primer), a new sketch (taped primer) is proposed to show a "taped" method for attaching safety fuse to a blasting cap. This proposal will have no effect on the regulated public as the three sketches (string tied primer, laced primer, and taped primer) are examples of accepted methods of attaching capped fuse to primer cartridge currently used in the industry.

Section 5298. Blasting with Safety Fuse.

The title to Section 5298 addresses blasting with safety fuse.

It is proposed to revise the title of Section 5298 to read "Non-Electric Blasting Systems" to address non-electric blasting systems. This proposal permits the inclusion of shock tube initiation systems in this regulation.

Subsection (a).

A revision is proposed to include a title to subsection (a), Safety Fuse Initiation System, to clearly indicate which non-electric blasting system the following regulations apply to. As a result of this proposal, the remaining subsections are proposed for renumbering and therefore, this proposal will have no effect on the regulated public.

Existing subsection (a), proposed subsection (a)(1), prohibits igniting safety fuse until the explosive charge(s) is in place.

It is proposed to revise subsection (a)(1) to indicate that avalanche blasting is exempt from this prohibition as permitted by Article 121. This proposal will have no effect on the regulated public as this practice is already permitted for snow avalanche blasting.

Subsection (c).

Existing subsection (c), proposed subsection (a)(3), prohibits the use of safety fuses when there is no safety shelter and there is a hazard to employees from flying rocks.

It is proposed to revise subsection (a)(3) to include examples of areas that would be affected by this requirement, to include the phrase "adequate nearby" before the word "shelter", and to include the blast concussion as a source of employee hazard. This proposal requires the employer to survey the blast site and provide a shelter when there is a hazard from flying rocks and/or concussion. The inclusion of the phrase "adequate nearby" before the word "shelter" clarifies the intent of the regulation and therefore, this proposal will have no effect on the regulated public.

In addition, it is proposed to transfer the intent of the provisions of existing Section 5299(j) into proposed subsection (a)(3) that prohibits the use of safety fuses under certain circumstances to provide safety for employee from flying rock and concussion. This proposal will have no effect on the regulated public as it relocates these provisions into a more appropriate section in the GISO.

Subsection (d).

Existing subsection (d), proposed subsection (a)(4), requires that all safety fuses be long enough to extend beyond the collar of the hole, and in no case will the fuse be less than three feet long.

It is proposed to revise subsection (a)(4) to include the informational "NOTE" currently contained in the "Note" to existing Section 7244(c) of the MSO and in the "NOTE" to existing Section 8547(c) of the TSO. This proposal will have no effect on the regulated public as the "NOTE" is informational only and this information already exists and are proposed for transfer from the "NOTES" in both existing Section 7244(c) of the MSO and existing Section 8547(c) of the TSO.

Subsection (h).

Existing subsection (h), proposed subsection (a)(8), prohibits person to enter the blast area until after a period of time equal to 2 minutes for each foot in the length of the longest fuse in the round or 15 minutes, whichever is the longest time, if more than 3 safety fuses are lighted at one time.

It is proposed to revise subsection (a)(8) to include the phrase "be permitted to" following the phrase "no person shall". This proposal will have no effect on the regulated public as it is editorial in nature and clarifies the intent of the regulation.

Subsection (i).

Existing subsection (i), proposed subsection (a)(9), requires at least two employees be present when

lighting fuses. An "EXCEPTION" is permitted when avalanche blasting is taking place.

It is proposed to revise subsection (a)(9) to repeal unnecessary language from the "EXCEPTION". The repeal of the explanation as to why it may not be permissible to have another person present during avalanche blasting is redundant and therefore, this language is unnecessary. Therefore, this proposal will have no effect on the regulated public.

New Subsection (b).

New subsection (b) is proposed to address shock tube initiation systems. This proposal will effect the regulated public as follows: Subsection (b)(1) requires the employer/user to ensure the initiation devices are secured to provide uninterrupted propagation. Subsection (b)(2) requires the use of factory made units as assembled, permitting a single splice on the lead-in trunkline during dry conditions. Subsection (b)(3) prohibits making connections between blast holes until immediately prior to clearing the blast site when surface detonators are used.

New Section 5298.1. Use of Detonating Cord.

A new Section 5298.1 is proposed to address the care and use of detonating cord. The proposed regulation requires the employer/blaster to:

- (a) Select the detonating cord consistent with the type and physical condition of the bore hole, stemming, and the type of explosives used;
- (b) Handle and use the detonating cord as if it were explosives;
- (c) Extend the line of detonating cord out of the bore hole or from the charge and cut it from the supply spool before loading the remainder of the bore hole or placing additional charges;
- (d) Handle the detonating cord with care and avoid damaging or severing the cord during loading operations;
- (e) Make the detonating cord connections in accordance with the manufacturer's recommendations and permit knot-type or other cord-to-cord connections only when the explosive core is dry;
- (f) Ensure all trunklines and branchlines are free of loops, sharp kinks, or angles that direct the cord back toward the oncoming line or detonation;
- (g) Inspect all detonating cord connections before firing the blast;
- (h) Ensure the manufacturer's recommendations are followed when detonating cord millisecond-delay connectors or short-interval-delay blasting caps;
- (i) Ensure that when using a blasting cap or electric blasting cap, the cap is taped or otherwise securely attached along the side or end of the detonating cord, with the end of the cap containing the

explosive charge pointed in the direction in which the detonation is to proceed; and,

- (j) Ensure that the detonators for firing the trunkline are not brought into the loading area or attached to the detonating cord until all else is ready for the blast.

This proposal will have no effect on the regulated public as these provisions are currently contained in existing Section 1571.1 of the CSO and are proposed for transfer to the GISO, as a result of the proposed reorganization of the explosive safety orders. Further, these provisions are also contained in the federal regulation, 29CFR 1926.908.

Section 5299. Firing with Electricity-General.

New Subsection (a).

New subsection (a) is proposed to require that the employer/blaster survey the blast area for extraneous currents over 0.05 amperes that could affect the safety of the blasting operations and employees.

In addition, an "EXCEPTION" is proposed to new subsection (a) that permits the use of specialty electric blasting caps that require a higher amperage to be hazardous provided they are used as recommended by the manufacturer.

This proposal will have no effect on the regulated public as the provisions to survey for stray current when using electricity to initiate a detonation are contained in existing Section 1573(h) of the CSO, existing Section 7250(a) of the MSO, and existing Section 8548(a) of the TSO.

Included in this proposal are proposed revisions to clearly indicate that no holes are to be loaded when the stray current exceeds 0.05 amperes.

This proposal will have no effect on the regulated public as the 0.05 amperes is the manufacturer's standard that is currently used within the industry as the maximum acceptable ampere limit, with the noted "exception". There are specialty cap fuses that have a higher ampere rating that is noted by the manufacturer. For this reason, an "EXCEPTION" is included for these devices provided they are used as recommended by the manufacturer.

Subsection (a).

Existing subsection (a), proposed subsection (b), is permissive to the extent that it permits electric firing to be done with blasting battery devices, blasting machines, light or power circuits or other means acceptable to the Division. Similar provisions are contained in existing Section 1573(a) of the CSO and Section 5314(b) that are proposed for repeal to eliminate duplicative regulations.

It is proposed to revise subsection (b) to delete the references to the specific types of detonating devices or other means accepted by the Division and require that electric firing be done only with devices designed

for initiating electric detonators. This proposal will have no effect on the regulated public as the Division already depends upon the manufacturer's recommendations for acceptance of use.

Subsection (b).

Existing subsection (b) prohibits the use of dry cell batteries when firing more than a single primer. Additionally, these dry cells batteries shall have no exposed terminals and storage and flashlight batteries shall not be used. Similar provisions regarding storage and flashlight batteries shall not be used as a source of electric current for blasting are contained in existing Section 1575 of the CSO that are proposed for repeal to eliminate duplicative regulations.

Existing subsection (b) is proposed for repeal. The proposed revisions to proposed subsection (b) eliminate the need for these requirements. Therefore, this proposal will have no effect on the regulated public as these provisions are unnecessary.

Subsection (c).

Existing subsection (c) requires the electrical connections on blasting machines or blasting battery devices be made in series or in a combination connection as recommended by the manufacturer. It also permits firing with light or power current when these connections are made in series or parallel or in a combination of series and parallel as shown on the accompanying diagram. These provisions are currently contained in existing Section 7250(d) of the MSO and existing Section 8548(d) of the TSO that are proposed for repeal to eliminate duplicative regulations.

It is proposed to revise subsection (c) to delete examples of the types of circuits which may be used and require that electric detonators be fired with blasting machines and connected in accordance with the number and circuit limitations recommended by the machine or detonator manufacturer. This proposal will have no effect on the regulated public as this proposed action removes permissive language and provides succinct language that clarifies the intent of the regulation. In addition, this proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 1573(a) of the CSO, as the result of the proposed reorganization of the explosive safety orders.

Subsection (d).

Existing subsection (d) requires that ample power be used to fire all electric detonators. The voltage shall not exceed the voltages recommended by the manufacturers to prevent arcing and that a circuit interrupter be used when arcing is a problem.

It is proposed to revise subsection (d) to remove redundant and unnecessary language and to require that devices used for igniting electric detonators shall not cause arcing within the detonators. This proposal will have no effect on the regulated public as these proposed revisions are editorial in nature to clarify the intent of the regulation.

Also included in existing subsection (d) is a NOTE regarding detonators in series and the minimum required amperage for alternating current and series circuits. This NOTE is proposed for repeal as the proposed revisions to this section will address the arcing concerns and therefore, is unnecessary. Therefore, this proposal will have no effect on the regulated public.

The information regarding the specific ampere requirements contained in the NOTE to existing subsection (d) is currently contained in the NOTE to existing Section 7250(c) of the MSO and the NOTE to existing Section 8548(e) of the TSO that are proposed for repeal to eliminate duplicative regulations.

Subsection (e).

Existing subsection (e) requires blasting wires be kept clear of electric lines and other conductive materials, except the earth itself.

It is proposed to revise subsection (e) to delete redundant and unnecessary language. Therefore, this proposal will have no effect on the regulated public.

Subsection (g).

Existing subsection (g) requires that low-voltage electric power lines within 50 feet of loaded hole be de-energized where possible before an electric detonator or starter is brought into the area.

It is proposed to revise subsection (g) to substitute the phrase "the holes to be loaded" in place of the term "loaded holes". This proposal will have no effect on the regulated public as it clarifies the original intent of the regulation. In addition, it is proposed to revise subsection (g) to recognize that is not always possible to de-energize low-voltage electrical power lines. This proposal permits low-voltage circuits to remain energized where tests determine a hazard does not exist.

Subsection (h).

Existing subsection (h) requires the blasting circuits be tested with a blasting galvanometer before firing a round.

It is proposed to revise subsection (h) to permit the use of other devices designed for testing blasting circuits.

Subsection (j).

Existing subsection (j) requires electric detonation when driving or enlarging shafts, winzes, stations, raises, where protection is not provided, or any location where lack of adequate nearby shelter or the

distance to travel to a place of safety is such that there is a hazard to employees from flying rock and concussion.

It is proposed to transfer the intent of the provisions of subsection (j) to proposed Section 5298(a)(3) that prohibits the use of safety fuses under certain circumstances to provide safety for employees from flying rock and concussion. This proposal will have no effect on the regulated public as the provisions of subsection (j) are proposed for transfer to a more appropriate section in the GISO.

New Subsection (j).

New subsection (j) is proposed that prohibits the use of different brands of electric detonators within the same firing round.

This proposal will have no effect on the regulated public as this provision already exists and is proposed for transfer from existing Section 5278(u) to relocate this provision to a more appropriate section in the GISO. In addition, similar provisions are currently contained in existing Section 1573(c) of the CSO, existing Section 7232(q) of the MSO, and existing Section 8537(p) of the TSO that are proposed for repeal to eliminate duplicative regulations throughout Title 8.

New Subsection (k).

New subsection (k) is proposed which requires the licensed blaster to maintain possession of the keys for the shot-firing and safety switches. Also, only the licensed blaster or blaster in training shall unlock and remain at the switch when repairs, extensions, or tests are being made on the blasting or shot firing lines. The licensed blaster or blaster in training shall remain at the switch until he or she can relock the switch(es) or designates that responsibility to someone who reports back to the licensed blaster with the keys when work is completed. There are to be no preparations made for loading or unloading until the switches are relocked and the keys back in the possession of the licensed blaster. The licensed blaster will give the keys to the licensed blaster on the following shift. A duplicate set of keys should be kept by the superintendent under lock and key in the office and there shall be no other set of keys fitting the switch locks on the job site.

This proposal will have no effect on the regulated public as these requirements already exist and are proposed for transfer from existing Section 1573.1(d) of the CSO to proposed subsection (k), as a result of the proposed reorganization of the explosive safety orders.

New Subsection (l).

New subsection (l) is proposed which requires the employer/licensed blaster to take measures to ensure mobile radio transmitters are de-energized and effec-

tively locked when less than 100 feet from electric blasting caps that are not in their original shipping containers.

The provisions of this proposed subsection are virtually verbatim of the federal regulations contained in 29 CFR 1926.900(k)(4), Blasting and the Use of Explosive and are adhered to by the industry. Therefore, this proposed revisions will have no effect on the regulated public.

Diagrams of EXAMPLES OF BLASTING CIRCUITS.

Included in existing Section 5299 are diagrams showing examples of blasting circuits. These diagrams are also currently contained in existing Section 7250 of the MSO and are proposed for repeal to eliminate duplicative regulations in Title 8.

It is proposed to editorially revise the three diagrams to substitute the term "electric detonator" in place of the term "shot" and to include the heading "Electric Detonators" under the existing heading "EXAMPLES OF BLASTING CIRCUITS". This proposal will have no effect on the regulated public as the term "electric detonator" is commonly used in the industry.

It is proposed to editorially revise the three diagrams to include the heading "Electric Detonators" under the existing heading "EXAMPLES OF BLASTING CIRCUITS" and to substitute the term "electric detonator" in place of the term "shot." Where the diagrams show connecting wires connected to "shots", a revision is proposed to substitute the name of the device the wires are actually connected to and to specify the term "electric detonators", a term commonly used in the explosives industry. This proposal clarifies that the term "shot" is the final result of the preparation and installation of the components. Therefore, this proposal will have no effect on the regulated public.

Section 5300. Firing Switches.

Existing Section 5300 requires that firing switches conform to a series of minimum standards, such as they shall be externally operated, shall be double pole construction, shall be of adequate rating for the maximum voltage, and specifies requirements for switch fuse or breaker ratings and air gaps.

New Subsection (c).

New subsection (c) is proposed which requires the shot firing switch to be no less than 1,000 feet from the face of the tunnel when the tunnel length exceeds 1,000 feet.

This proposal will have no effect on the regulated public as this provision is currently required by existing Section 8549(c) of the TSO and proposed for transfer to the GISO, as the result of the proposed reorganization of the explosive safety orders.

New Subsection (d).

New subsection (d) is proposed which requires that when the tunnel is less than 1,000 feet long, the firing switch will be placed outside the tunnel portal.

The substance of this proposed regulation is currently contained in existing Section 8549(c) of the TSO and therefore, will have no effect on the regulated public. However, existing Section 8549(c) recommends that the firing switch be placed at the portal. Proposed subsection (d) will require the switch to be outside the tunnel portal to ensure the blaster is so located as not to be in danger from the resultant "concussion" from the explosion. It was the consensus of the advisory committee that the safest place for the blaster to be is outside the portal where there would be no blast effect.

Section 5302. Permanent and Temporary Leading Wires.Subsection (d).

Existing subsection (d) requires that the leading wires have sufficient capacity to carry the firing current and in no case have a capacity less than No. 14 American Wire Gauge copper wire or No. 12 American Wire Gauge aluminum wire. However, No. 18 American Wire Gauge may be used for an electric blasting cap.

It is proposed to revise subsection (d) to require the leading wires to have the capacity to carry the required firing current to the detonators. This proposal requires the employer to ensure the proper size wires, as recommended by the explosive manufacturer/provider, are used. In addition, editorial revisions are proposed to subsection (d) to clarify the intent of the regulation and therefore, will have no effect on the regulated public.

Section 5304. Blasting Procedure with Power and Light Circuits.Subsection (a).

Existing subsection (a) requires that the keys to the auxiliary switch and firing switch be under the control of the blaster placing the charges in the blast area.

It is proposed to repeal subsection (a) as proposed Section 5299(k) addresses the concerns regarding the control of the keys to the firing switches. Therefore, the proposed repeal of existing subsection (a) will have no effect on the regulated public as it eliminates duplicative requirements within the GISO.

Subsection (b).

Existing subsection (b), proposed subsection (a), requires that before connecting the leading wires to the leg wires, the blaster is to ensure the auxiliary switch or switches are locked in the "off" position and other steps taken to ensure a circuit cannot be inadvertently made.

It is proposed to revise subsection (a) to include the term "licensed blaster" in place of the term "blaster". This proposal will have no effect on the regulated public as Labor Code, Section 6710 already requires blasting operations to be under the direct supervision of a licensed blaster.

New Subsection (b).

New subsection (b) is proposed that requires if the electrical circuit is made from a light or power source, the electrical connections shall be made within an approved weatherproof enclosure.

This proposal will have no effect on the regulated public as this provision already exists and is proposed for transfer from existing Section 1573.1(a) of the CSO, to reflect the proposed reorganization of the explosives safety orders.

Subsection (c).

Existing subsection (c) requires that temporary leading wires be tested for the presence of stray electrical current before they are attached to the leg wires. In addition, this subsection recommends that test be made with an instrument designed for that purpose.

It is proposed to revise subsection (c) to delete the term "Temporary" that describes leading wires and to address "connecting wires". Also, it is proposed to make the recommendation mandatory and require that the testing instrument is approved for that purpose. These proposed revisions will require that all leading wires be tested with approved equipment designed specifically for this purpose.

Subsection (f).

Existing subsection (f) prohibits persons from entering an area where primary blasting has taken place for at least 15 minutes after the explosion.

It is proposed to transfer the provisions of subsection (f) to proposed Section 5291(k). This proposal will have no effect on the regulated public as the provision of subsection (f) is proposed for relocation to a more appropriate section in the GISO, specifically under blasting operations.

Subsection (g).

Existing subsection (g) requires that the leading wires be disconnected from the electrical source and the firing switch and auxiliary switch, or switches, be locked in the "off" position.

It is proposed to transfer the provisions of existing subsection (g) to proposed new subsection (f) and to include the provisions of existing Sections 1573.1(b) and 1573.1(b) of the CSO and existing Section 7254(g) of the MSO. This proposal will have no effect on the regulated public as it clarifies the intent of the regulation and consolidates similar existing provisions into one section, specifically Section 5304(f), in the GISO.

New Subsection (f).

New subsection (f) is proposed that prohibits anyone to approach the blasted area after blasting until the blasting switch has been locked in the “off” or “open” position, the blasting switch attachment plug has been disconnected from the electrical source, and the blasting wires have been shorted together.

This proposal will have no effect on the regulated public as these provisions already exist and are proposed for transfer from existing Section 5304(g), existing Sections 1573.1(b) and 1578(b) of the CSO, and existing Section 7254(g) of the MSO, to reflect the proposed reorganization of the explosive safety orders.

Subsection (h).

Existing subsection (h), proposed subsection (g), requires the blaster to wait at least 30 minutes prior to re-entering the blast area if a shot fails to fire or a misfire is suspected. The switch is to be placed in the locked position.

It is proposed to revise subsection (g) to specify the term “(misfire)” following the phrase “shot fails to fire”. This proposal will have no effect on the regulated public as the word “misfire” is another term for “shot fails to fire”. Also, it is proposed to include the term “licensed blaster” in place of the term “blaster”. This proposal will have no effect on the regulated public as Labor Code, Section 6710 already requires blasting operations to be under the direct supervision of a licensed blaster. In addition, revisions are proposed that are editorial in nature and therefore, will have no effect on the regulated public.

New Subsection (h).

New subsection (h) is proposed that requires only the crew necessary for the loading and connecting operations be at the face during loading and connecting operations.

This proposal will have no effect on the regulated public as this provision already exists and are proposed for transfer from existing Section 8537(v) of the TSO, to reflect the proposed reorganization of the explosive safety orders.

New Subsection (i).

A new subsection (i) is proposed which will prohibit unnecessary work to be done at the face during or after loading before the shots are fired. This proposal will have no effect on the regulated public as this regulation is being transferred from section 8537 of the Tunnel Safety Orders as part of the explosive regulation reorganization project, bringing all the explosive regulations into the General Industry Safety Orders.

New Blasting Circuit Diagram.

A new blasting circuit diagram is proposed to be included to show an additional method for rigging a permanent blasting line.

This proposal will have no effect on the regulated public as this diagram is currently located in the construction safety orders, Appendix C, Plate C-27, and is proposed for transfer to the GISO, as the result of the proposed reorganization of the explosive safety orders.

Section 5305. Blasting with Batteries, Blasting Devices and Blasting Machines.

The existing title to Section 5305 indicates the regulation applies to blasting with batteries, blasting devices and blasting machines.

It is proposed to revise the title to Section 5305 to use the generic terms “Electric Blasting Devices and Electric Blasting Machines” in lieu of the existing title. The specific reference to “Blasting with Batteries” is proposed for deletion because a “battery” is a component of a blasting machine located inside the blasting machine supplying electric power. It is proposed to include the term “Electric” prior to the terms “Blasting Devices” and “Blasting Machines” because the provisions in Section 5305 pertain only to electrical blasting. Therefore, this proposal will have no effect on the regulated public as the specific reference to “Blasting with Batteries” in the title is unnecessary and the proposed new title more accurately describes the provisions of this Section.

Subsection (a).

Existing subsection (a) requires that batteries for blasting and accessories be assembled in one unit. This unit shall be of a type acceptable to the Division and have no exposed live terminals. Additionally, existing subsection (a) contains a “NOTE” that states the Division may accept such battery blasting devices provided they have been approved by the U.S. Bureau of Mines, Institute of Makers of Explosives or other recognized institutions.

In conjunction with the proposed revisions to the title of Section 5305, it is proposed to repeal subsection (a) and the accompanying “NOTE” as these provisions contain requirements for batteries and therefore, are unnecessary. Therefore, this proposal will have no effect on the regulated public.

Subsections (b), (c) and (d).

Existing subsections (b), (c), and (d), proposed subsections (a), (b), and (c), address who is in charge of the blasting devices and machines and the connecting and disconnecting of the lead wires.

It is proposed to revise subsections (a), (b), and (c) to delete the references to “batteries” and “blasting batteries”. These proposed revisions will have no effect on the regulated public as a battery is a source of electricity.

Additionally, the term “licensed blaster in-charge” is proposed to be substituted in place of the term “blaster” in subsections (a) and (c) to be consistent with the proposed revisions within Group 18. This proposal will have no effect on the regulated public as Labor Code, Section 6710, already requires blasting operations to be under the direct supervision of a licensed blaster.

Section 5306. Electric Blasting In Proximity with Radio Transmitters.

Subsection (a).

Existing subsection (a) requires that a sign with specific sized lettering be posted stating that radio transmissions are prohibited in the blasting area and specifies when the sign shall be posted. In addition, a “NOTE” is provided referring to the U.S. Department of Transportation regulations for specific sign requirements.

It is proposed to revise subsection (a) to specify that signs shall be posted to clarify the intent of the regulation and to incorporate the requirements for sign language, and where the signs are to be located from the electrical blasting operation.

This proposal will have no effect on the regulated public as these provisions are currently contained in existing Section 1579(c) of the CSO (a portion of this regulation is proposed for transfer), existing Section 7256(a) of the MSO, and existing Section 8554(a) of the TSO that are proposed for repeal, as the result of the proposed reorganization of the explosive safety orders. In addition, this proposal is also contained in the federal counterpart regulation, 29CFR 1926.900(k)(3).

Further, it is proposed to revise the “NOTE” to subsection (a) to include a reference to the “State of California, Department of Transportation, Traffic Manual, Chapter 5, Traffic Controls for Construction and Maintenance Work Zones” in place of the existing reference to the “U.S. Department of Transportation regulations”. The reason for this proposal is that the State of California, Department of Transportation has immediate jurisdiction over the U.S. Department of Transportation regarding the signage requirements for the above-ground transportation of explosive materials. This proposal will have no effect on the regulated public as this reference is informational only.

Subsection (c).

Existing subsection (c) contains tables of recommended distances for commercial and citizen band radio transmitters and VHF/UHF television transmitters.

It is proposed to update the recommended tables of distances, PLATE B-15, Tables 1, 2, 3, and 4, and the footnotes to the tables, where necessary, to reflect the latest industry recommended clearance distances for electric blasting operations. This proposal will have no effect on the regulated public as the proposed revisions to these tables and footnotes in the GISO are taken from the existing corresponding tables and footnotes in the CSO, PLATES B-15. The existing tables and footnotes in the CSO were recently updated to be at least as effective as the federal counterpart requirements. Federal OSHA references the Institute of Makers of Explosives, Publication No. 20 in 29 CFR 1926.900(k)(5), which California has elected to reprint for the convenience of the users. In addition, these proposed revisions are already required by other enforcing agencies as well.

Following Tables 1-5, it is proposed to include the word “NOTE” to precede the title “Recommended Table of Distances” that contains a general statement for the purpose of the tables and how the tables were derived. The proposal will have no effect on the regulated public as the inclusion of the word “NOTE” clarifies the intent of this information. In addition, the existing language references a “commercial blaster”. It is proposed to substitute the term “licensed blaster” in place of the term “commercial blaster”. This proposal will have no effect on the regulated public as Labor Code, Section 7990 already requires that blasting operations be under the direct supervision of a licensed blaster and also reflects the proposed revisions throughout Group 18 regulations.

New Subsection (d).

A new subsection (d) is proposed that will permit reduction in the table distances provided special precautions, acceptable to the Division, are taken.

New Section 5307. Blasting in Excavation Work Under Compressed Air.

New Section 5307, Blasting in Excavation Work Under Compressed Air, is proposed that prohibits the storage of explosive materials in caissons; prohibit employees, with the exception of the licensed blaster, lock tender and powder crew, from being in the air lock when explosive materials are present; specifies when detonators and explosives may be taken into pressure working chambers; specifies the responsibilities of the licensed blaster; specifies the type of explosive materials to be used; and requires bonding and grounding at or near the portal of all metal pipes,

tracks, air locks and steel tunnel lining, with a maximum allowable distance between cross-bonding points.

This proposed action will have no effect on the regulated public as these regulations already exist and are proposed for transfer from existing Section 1571.3 of the CSO, to reflect the proposed reorganization of the explosive safety orders. In addition, the provisions of Section 5307 are also contained in the federal counterpart regulations, 29 CFR 1926.913.

New Section 5308. Underwater Blasting.

New Section 5308, Underwater Blasting, is proposed that requires the employer, when performing underwater blasting operations, to ensure that; loading tubes and casing are constructed of similar metals; only water-resistant blasting caps and detonators are used; loading is done through non-sparking metal loading tubes; no blasting when vessels are underway nearby or before moored vessels are warned; no blasting is done when persons are swimming or in the water; signals are agreed upon for verification of all clear conditions; blasting flags are displayed; the storage and handling of explosive materials aboard vessels is in accordance with the provisions outlined in this section; and, when one or more charge is placed underwater, a float device will be attached in such a manner as to be released when the charge is fired.

This proposed action will have no effect on the regulated public as these regulations already exist and are proposed for transfer from existing Section 1571.2 of the CSO, to reflect the proposed reorganization of the explosive safety orders. In addition, the provisions of Section 5308 are also contained in the federal counterpart regulations, 29 CFR 1926.912.

Section 5312. Loading or Assembling of Industrial Explosives and Devices.

Existing Section 5312 addresses the loading or assembling of industrial explosives and devices.

It is proposed to revise the title of this section to include the loading of propellant devices. This proposal will have no effect on the regulated public as it merely clarifies the intent of the regulations.

Subsection (a).

Existing subsection (a) requires that loading operations for projectile firing devices be isolated from other operations by a partition constructed of materials capable of withstanding the explosion of the device or carried on in a separate area at least a minimum distance from other work areas.

It is proposed to revise subsection (a) to include a phrase clearly indicating that this requirement addresses devices that fire in other than a vertical plane. This proposal permits the loading of vertical firing projectiles in areas not equipped with partitions. Also, the specific partition height requirement is proposed

for repeal to permit the manufacturer and/or employer to design or to build a partition to address specific devices being loaded. In addition, it is proposed to include the phrase "shall be" before the phrase "carried on in a separate area". This proposal is editorial in nature and therefore, will have no effect on the regulated public.

New Subsection (b).

New subsection (b), as recommended by the advisory committee, is proposed that requires loading operations of projectile firing devices which fire only in a vertical plane to be located in clearly delineated work areas.

Subsection (b).

Existing subsection (b), proposed subsection (c), requires that loading operations of other types of explosive actuated power devices should be conducted in clearly defined work areas separated from other work areas.

It is proposed to revise subsection (c) to include the term "propellant". The proposed revision requires propellant loading operations to be conducted in the same manner as "the loading or assembling of industrial explosives".

Subsection (c).

Existing subsection (c), proposed subsection (d), contains prohibitions on smoking within 25 feet of the loading area and requirements that electrical apparatus within the loading area conform to wiring requirements for Class II, Division 2, Hazardous Areas.

It is proposed to revise subsection (d) to delete the prohibition that smoking, welding or open flames not be permitted within 25 feet of a loading area. This proposal will have no effect on the regulated public as this provision is already contained in existing Section 5246.

Subsection (e).

Existing subsection (e), proposed subsection (f), states combustible materials shall not be stored in the loading area.

It is proposed to revise subsection (f) to delete the reference to the word "Combustible" and require that only materials necessary for the operation will be stored in the loading area. This proposal prohibits the employer/operator from storing anything except materials necessary for the operation at the site.

Subsection (g).

Existing subsection (g), proposed subsection (h), limits the amount of explosives in the loading area to that required for the day's loading operation and not to exceed 20 pounds of preformed explosives and/or one pound of loose powder.

It is proposed to revise subsection (h) to substitute the term “explosive materials” in place of the word “explosives” to reflect language currently used within the industry. In addition, it is proposed to revise subsection (h) to delete the specific weight limitations of explosives for daily operations, permitting the employer/user to retain the material needed for one day’s loading operations, regardless of the amount.

Subsection (h).

Existing subsection (h), proposed subsection (i), contains requirements for the storing and disposition of waste, scrap and unused explosives and spilled explosives.

It is proposed to revise subsection (i) to substitute the term “explosive materials” in place of the word “explosives” to reflect language currently used within the industry; to delete the second reference to the word “shall” as this word is unnecessary; to substitute the term “Type 2 magazine” in place of the term for “Class II magazine” to be consistent with the current classifications for storage magazines; to remove the phrase “not in” and replace it with the phrase “located outside” to clarify the original intent of the regulation that one day’s accumulation of waste or scrap explosives stored in a Type 2 magazine be located outside the loading area; and to include a statement clarifying that waste, scrap or unused explosive materials may be taken to a site for destruction or desensitization upon completion of the day’s loading activities. This proposal will have no effect on the regulated public as these proposed revisions merely clarify existing practices and safeguards.

Subsection (l).

Existing subsection (l), proposed subsection (m), requires that explosives loading and storage areas be posted with a sign with minimum lettering sizes and legend.

It is proposed to revise subsection (m) to delete the reference to “and storage” areas and to include a statement that requires the letters be made on a background of sharply contrasting color. The regulations for the storage of explosive materials are covered in Article 114 and therefore, the proposal to delete the reference to storage will have no effect on the regulated public. The proposed revision to include sharply contrasting background color will require the employer/licensed blaster to choose an appropriate color for the warning signs.

Section 5313. Storage and Transportation of Industrial Explosives.

The existing Section 5313 is entitled “Storage and Transportation of Industrial Explosives”.

A revision is proposed to the title of Section 5313 to substitute the term “Explosive Materials” in place of the word “Explosives” to be consistent with industry

terminology. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) requires that industrial explosive charges be transported as explosives.

It is proposed to revise subsection (a) to substitute the term “explosive materials” in place of the word “explosives”. This proposal will have no effect on the regulated public as it merely reflects language currently used within the industry.

Subsection (d).

Existing subsection (d) requires loaded power actuated devices to be stored in a manner that exposes workers to the least possible hazard. Following existing subsection (d) are three additional subsections, existing subsections (d)(1)–(d)(3), which either recommend or require specific devices to be stored in a specific manner.

A revision is proposed to subsection (d) to substitute the word “employees” in place of the word “workers” to be consistent with Title 8 terminology and therefore, this proposal will have no effect on the regulated public. In addition, a revision is proposed to include the phrase “as follows” at the end of the regulation to specifically indicate that the following subsections (d)(1)–(d)(3) are requirements for the storage of the referenced power actuated devices. This proposal will require the employer/manufacture to take the appropriate measures to protect employees should a fire or premature explosion occur.

Subsection (d)(1).

Existing subsection (d)(1) permits the storage of jet charges on racks removed from the working area.

It is proposed to revise subsection (d)(1) to substitute language that will require the storage of jet charges in designated areas or as appropriate.

Subsection (d)(2).

Existing subsection (d)(2) states that projectile-type devices should be stored in pits below ground level in an isolated part of a building at specific distances from work areas or surrounded by a barrier of a given structural strength. This subsection also states that the Division may approve other methods.

It is proposed to revise subsection (d)(2) to include the phrase “to be maintained in the horizontal position” following the phrase “Projectile-type devices” and to make the intent of the regulation mandatory by substituting the word “shall” in place of the word “should” to clearly indicate that horizontally stored projectile-type devices shall be maintained in pits, in open areas at least 25 feet from the building or within a barrier to contain or lessen the blast effect on the worksite/employees should a blast or an accident occur. This proposal will require projectiles that are to

be maintained in a horizontal position shall be stored as recommended by this section.

In addition, the exception statement that states the Division may approve other methods is proposed for repeal as it is vague regarding what other methods are permitted. Therefore, this proposal will have no effect on the regulated public.

Subsection (d)(3).

Existing subsection (d)(3) states armed explosives devices must be stored in pits below ground level or in compartmented steel containers or other storage devices as approved by the Division.

It is proposed to revise subsection (d)(3) to substitute the word “shall” in place of the word “must” to maintain a format consistent with that which exists in Title 8. Therefore, this proposal is editorial in nature and will have no effect on the regulated public. In addition, it is proposed to delete the phrase “or other storage devices as approved by the Division”. This proposal eliminates the option of the employer to utilize other storage devices and therefore, eliminates the need for the employer to consult or obtain the Division’s approval of other storage devices. This proposal will have no effect on the regulated public as it is current industry practice to develop storage of armed explosive devices in pits below ground level or in compartmented steel containers only.

Subsection (e).

Existing subsection (e) contains specific requirements relating to the storage of explosive-actuated power device charges.

It is proposed to revise subsection (e) to substitute a reference to “subsection (d)(1)” in place of existing “(d-1)” to be specify that (d)(1) is a reference to a subsection. In addition, it is proposed to substitute the reference to “Type 2” magazine in place of “second class” magazine to be consistent with terminology used in the industry. This proposal will have no effect on the regulated public as it reflects the proposed revisions made to the classification of storage facilities within the Group 18 regulations.

Subsection (e)(1).

Existing subsection (e)(1) states that the storage area within a building must be inclosed by walls of 1-hour resistant fire construction or the enclosure is protected by an automatic sprinkler system or the magazine is located within 10 feet of an exit.

The proposed revisions to existing subsection (e)(1) are editorial in nature, as these proposed revisions substitutes the word “the” in place of the word “a”, corrects the misspelling of the word “enclosed”, spells out the numerical “one”, and relocates the word “fire” for clarity. This proposal is editorial and will have no effect on the regulated public.

Subsection (e)(2).

Existing subsection (e)(2) prohibits sources of ignition or combustible material within 25 feet of the magazine.

This subsection is proposed for repeal as it is inconsistent with the more stringent 50 foot requirements contained in Sections 5246, 5251(e), and 5256(b) in addition to requirements within Group 18. This proposal will have no effect on the regulated public as it was stated during the advisory committee that it is common practice to maintain at least 50 feet of clearance of combustible materials from the magazine.

Subsection (e)(5).

Existing subsection (e)(5) requires that magazines are to be kept locked except when inserting or removing explosives.

This subsection is proposed for repeal as its requirements are contained within the storage of explosive materials, specifically proposed Section 5251(j). Therefore, this proposal will have no effect on the regulated public.

Section 5314. Firing with Electricity—Well Site.

Subsection (a).

Existing subsection (a) requires that no electric firing or preparation for electric firing be knowingly done when stray electrical current sufficient enough to detonate electric blasting cap are known to exist at the well site.

It is proposed to revise subsection (a) to require the licensed blaster to conduct a survey for extraneous and dangerous currents before implementing any system of electrical firing, and to eliminate all dangerous currents before loading is accomplished. This proposal will have no effect on the regulated public as it clarifies the intent of the regulation.

Subsection (b).

Existing subsection (b) permits electric firing with blasting battery devices or means acceptable to the Division.

This subsection is proposed for repeal, as it is permissive. This proposal will have no effect on the regulated public as the subsection is informational and therefore, unenforceable. In addition, the provisions of existing subsection (b) are contained in existing Section 1573(a) of the CSO that is proposed for repeal and Section 5299(b) that is proposed for revisions to require that electrical firing be done only with devices designed for initiating electric detonators.

Subsection (c).

Existing subsection (c), proposed subsection (b), requires that the firing circuit be shorted following testing and remain shorted until the explosive device is lowered below the surface of the well.

It is proposed to revise subsection (b) to include the modifier “effectively” before the word “shorted” to emphasize the importance of the shorting procedure. This proposal will serve as a reminder to the licensed blaster/employer the importance of the shorting procedure.

Subsection (e).

Existing subsection (e), proposed subsection (d), requires warning signs to be posted at all routes of access with specific wording and lettering size required.

It is proposed to revise subsection (d) to substitute the phrase “entrances to the well site” in place of the phrase “routes of access”. This proposed revision will permit the licensed blaster/employer to place the warning signs at or near the entrances to the well site in lieu of placing signs at every location that could eventually lead to the area of concern.

Subsection (f).

Existing subsection (f), proposed subsection (e), requires that perforating operations conducted where there are television, radio or radar transmitters are at distances from those facilities as shown in 5306, unless special precautions acceptable to the Division “is” taken.

It is proposed to revise subsection (e) to insert the word “Section” before the numbers “5306” and to substitute the word “are” in place of the word “is”. This proposal will have no effect on the regulated public as the proposed revisions are editorial in nature.

New Subsection (f).

New subsection (f), as proposed by the advisory committee, prohibits the entry of employees into a “cellar” after blasting (well perforation) until it has been ascertained that hazardous/toxic vapors/fumes, dust and gasses have been reduced to safe limits.

This proposal will require the employer to confirm the air inside the cellar is free of hazardous gases before allowing employees to enter the cellar.

Article 119. Manufacturer of Explosive Materials.

The title of existing Article 119 is entitled “Manufacturing of Explosive Materials”.

The title to Article 119 is proposed for revision to indicate that the processing of explosive materials is included in this Article. Therefore, a new title for Article 119 is proposed entitled “Manufacturing and Processing of Explosive Materials”. This proposed revision requires employers involved in the secondary explosive materials market, if processing is involved, to comply with the requirements of Article 119.

Section 5319. Scope.

Existing Section 5319 contains the scope statement for Article 119. These requirements apply to the

manufacture and handling of explosives, blasting agents, ammunition and pyrotechnics upon the manufacturing site.

A revision is proposed to the preamble statement in Section 5319 to include “processing” in the functions for which this Article will apply. This proposal clarifies the original intent of the regulation. This proposal will require those wholesale distributors that “process” explosive materials, such as repackage into smaller lots, to comply with the requirements of Article 119.

New Subsection (d).

New subsection (d) is proposed to clearly define what the term “processing” is meant to encompass.

This proposal will have no effect on the regulated public as it clearly defines the term “processing”.

Subsection (d).

The provisions of existing subsection (d) that states the disposal of all waste explosive materials resulting from the manufacturing process shall apply to Article 119 is proposed to be renumbered as new subsection (e). This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Section 5320. Reporting Requirements.

New Subsection (a).

It is proposed to reformat Section 5320 to be consistent with the format of Title 8. Therefore, the first paragraph of Section 5320 has been renumbered as new subsection (a) that requires employers manufacturing explosives, ammunition blasting agents, or fireworks to furnish to the Division information regarding manufacturing locations, types of explosives being manufactured, names and addresses of controlling persons, and a map showing those buildings containing more than one pound of explosives.

It is proposed to revise new subsection (a) to substitute the term “explosive materials” in place of the word “explosives” to be consistent with industry terminology, to eliminate unnecessary references to specific explosive materials as a consequence of incorporating the term “explosive materials”, and to eliminate the parenthetical phrase “(within the scope defined in Section 5310)” as this reference is unnecessary. This proposal will have no effect on the regulated public as these proposed revisions clarify the intent of the regulation.

It is proposed to revise new subsection (a) to require that the reporting information be made available upon request by the Division in lieu of the requirement that the information be furnished to the Division. This proposal eliminates the need for the owner/corporation to update and submit information to the Division on a continuing basis.

Subsection (b).

Existing subsection (b), proposed subsection (a)(2), states what types of explosive materials are to be included in the reporting requirements required by the Division.

It is proposed to revise subsection (a)(2) to substitute the term "pyrotechnics" in place of the word "fireworks" to reflect terminology commonly used within the explosives industry. Therefore, this proposal will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) contains the statement that this Article is not to be construed as applying to or prohibiting a mixing of blasting agents such as NCN or AN-FO in the loading area provided all necessary safety precautions are taken.

It is proposed to revise subsection (e) to redesignate this regulation as an "EXCEPTION" as on-site mixing of binary components or blasting agents such as ANFO is exempt from Article 119 only if all necessary safety precautions are taken. Mixing binary components or blasting agents such as ANFO on-site is a simple mixing operation involving the mixed product to be immediately loaded into the hole. This process does have the hazards involved as in fixed manufacturing operations. This proposal will have no effect on the regulated public as it clarifies the original intent of the regulation.

It is proposed to include the term "binary components", to delete the reference to "NCN" which is another form of ANFO, and to eliminate the hyphen in the term "AN-FO" to be consistent with how this term is identified in the GISO. This proposal clarifies that blasting agents are composed of "binary components" and can be mixed at the job site. The proposed inclusion of the term "binary component" and the deletion of the term "NCN" will have no effect on the regulated public as NCN is another form of ANFO that is a binary component.

Section 5321. Plans of Plant.

Existing Section 5321 requires that a copy of the plans of the plant be kept in the office on the premises of each explosives, ammunition, blasting agent, or fireworks manufacturing plant, and to be made available to the Division or its authorized representative upon request. Included in this regulation are references to Title 24, Title 8, Section 5321.

In addition to editorial revisions, it is proposed to revise Section 5321 to include a reference to "pyrotechnics processing facilities" following the phrase "blasting agents". The proposed revision to include "pyrotechnics processing facilities" will require secondary market facilities, such as repackaging operations, to maintain plant and operations plans available for review by the Division.

It is proposed to revise Section 5321 to delete the term "fireworks" as the term "pyrotechnics" is the more appropriate terminology used in the explosives industry. This proposal will have no effect on the regulated public as it merely substitutes language and terminology commonly used in the explosives industry.

It is proposed to revise Section 5321 to delete the reference to the authorized representative as the reference to the Division is accepted to include the representative of the Division and therefore, this reference is unnecessary. In addition, it is proposed to delete the references to Title 24 and Title 8, Section 5321 as the provisions of Section 5321 apply to administrative procedures and not building structure and therefore, these references are unnecessary. This proposal will have no effect on the regulated public as it eliminates unnecessary language in the regulation.

Section 5322. Training.

The title of existing Section 5322 is entitled "Training".

The title to Section 5322 is proposed for revision to include the term "and Instruction" to be consistent with the contents of the regulations. Therefore, this proposal will have no effect on the regulated public.

Existing Section 5322 requires that workmen who handle explosives be instructed in the hazards of the materials, the processes in which they are engaged, and the safety rules.

It is proposed to revise Section 5322 to delete a specific gender reference, to substitute the term "explosive materials" in place of the word "explosives" to be consistent with industry terminology, and to delete the phrase "or explosive charges" as unnecessary language. Therefore, this proposal will have no effect on the regulated public as it removes specific gender reference, substitutes language commonly used in the explosives industry, and removes unnecessary language.

Section 5323. Emergency Procedure.

Existing Section 5323 requires that emergency procedures be formulated for each plant and that they include personal instruction in any emergency that may be anticipated. This section also requires that all personnel shall be made aware of emergency warning signals and evacuation procedures.

It is proposed to repeal the provisions of Section 5323 as its requirements are already contained in the regulations regarding the development and implementation of an emergency action plan in existing Section 3220, Emergency Action Plan, and similar requirements in proposed Section 5320(a)(5) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Section 5324. Change Rooms.

Existing Section 5324 is permissive to the extent that the Division may require change rooms equipped with locker space for street clothing and personal effects. Included in this regulation are references to Title 24 and Title 8, Section 5324.

It is proposed to revise the existing title of Section 5324 to include the words “and Washing Facilities” to read “Change Rooms and Washing Facilities”. This proposal identifies in the title of this section that these regulations pertain to both change room and washing facilities and therefore, will have no effect on the regulated public.

It is proposed to revise Section 5324 as the existing language in this section is permissive and ambiguous. The phrase “The Division may require” is proposed for repeal and replaced with the phrase “Whenever employees are required to change from street clothes into protective clothing”. The existing reference to the phrase “Division may require” is proposed for repeal as this language is permissive and ambiguous. The proposed language provides a clearer understanding of when the employers are required to provide change rooms and washing facilities. The phrase “shall be provided” is proposed to be included following the words “change rooms”. These revisions are proposed to be consistent with the existing requirements in Article 9, Sanitation, specifically Section 3367, Change Rooms, and therefore, will have no effect on the regulated public.

It is proposed to substitute the word “employees” in place of the word “workmen” to eliminate specific gender references. This proposal will have no effect on the regulated public.

It is proposed to substitute the word “shall” in place of the word “may” following the words “hot and cold running water” to remove the permissive nature of the existing language. This revision is proposed to be consistent with the existing requirements in Article 9, Sanitation, specifically Section 3366, Washing Facilities, and therefore, will have no effect on the regulated public.

In addition, it is proposed to delete the references to Title 8 and Title 24, Section 5324 as these references are not necessary. Therefore, this proposal will have no effect on the regulated public.

Section 5325. Food.

Existing Section 5325 prohibits workmen to eat at places where explosives or pyrotechnics are present.

It is proposed to substitute the word “employees” in place of the word “workmen” to eliminate specific gender references. Therefore, this proposal will have no effect on the regulated public.

Section 5326. Intraline Distance.

Existing Section 5326 contains the definition for intraline distance and the purpose for this distance. It also states that buildings separated by intraline distances will probably suffer substantial structural damage. Included in this regulation are references to Title 24 and Title 8, Section 5326.

It is proposed to transfer the contents of Section 5326 to a more appropriate location in Section 5237, the “Definitions” section of the GISO that contains the industry specific definitions for Group 18, Explosive Materials. Therefore, this proposal will have no effect on the regulated public. As a result of this proposal, it is proposed to delete the references to Title 8 and Title 24, Section 5326 as these references are not necessary. Therefore, this proposal will have no effect on the regulated public.

Section 5327. Intraline Separation of Operating Buildings.Subsection (a).

Existing subsection (a) requires that all mass detonating explosives, Class A explosives, and fireworks manufacturing buildings, where explosive charges are assembled, prepared or loaded, be separated from all other buildings and magazines within the confines of the manufacturing plant, using the barricaded tables. This subsection also contains a “NOTE” that recognizes the intraline distances of recognized authorities, such as the Department of Defense (DOD).

It is proposed to revise subsection (a) to delete the reference to “Class A” as Class A explosives are mass denoting explosives. Therefore, this proposal will have no effect on the regulated public as this reference is redundant. Also, it is proposed to revise subsection (a) to substitute the term “pyrotechnics” in place of the term “fireworks” to be consistent with the proposed revisions throughout this Article and therefore, this proposal will have no effect on the regulated public. In addition, it is proposed to include in the “NOTE” to subsection (a) references to specific Bureau of Alcohol, Tobacco, and Firearms (ATF) tables. This proposal will refer the reader to the updated tables of distances. The reference to Section 5253 in the “NOTE” is proposed for repeal as these requirements are already enforced by the ATF and therefore, this reference is unnecessary. This proposal will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) requires that when a building or magazine contains explosives and is not barricaded, the intraline distances shown shall be doubled. Included in this regulation are references to Title 24, Title 8, Section 5327.

It is proposed to revise subsection (b) to include the phrase “in the following Table” following the phrase “not barricaded the intraline distances shown” to indicate what table is to be used. This proposal will have no effect on the regulated public as it merely clarifies the intent of the regulation. In addition, it is proposed to delete the references to Title 24 and Title 8, Section 5327 as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Existing Section 5327 contains the intraline distance table.

This table is proposed for repeal to be replaced with the latest industry and user table. The Institute of Makers of Explosives (IME) has revised the intraline distance table. The IME is the recognized authority for developing and compiling tables regarding safe storage and work distances by both Federal and State entities and is used by the affected industries. For this reason, it is proposed to adopt the new table to be consistent with other enforcement agencies and the regulated explosives industry. Therefore, this proposal will have no effect on the regulated public as these distances are presently accepted and currently used by the explosives industry.

Section 5328. Operation—Buildings and Equipment.
Subsection (a).

Existing subsection (a) requires operating buildings or rooms in which more than 50 pounds of explosive or fireworks are present at any time to be provided with a blow out or explosion-relief type wall. The wall should be placed to present the least hazard to workmen in adjacent buildings.

It is proposed to revise subsection (a) to substitute the term “explosive materials” in place of the term “explosives” to be consistent with industry terminology, to eliminate the unnecessary reference to “fireworks” as consequence of the proposed incorporation of the term “explosive materials”, and to eliminate specific gender references. In addition, revisions are proposed to clearly indicate that these measures are necessary when the explosive materials are of the mass detonation type, to require the installation of an explosion pressure relief type roof, and to require the relief wall be placed in the direction where the least hazard exists for employees in adjacent buildings.

These proposed revisions will require explosive relief roofs and that the wall panels be placed where the least hazard will exist to employees in adjacent buildings should an incident occur.

Subsection (b).

Existing subsection (b) requires that the explosives venting area will be calculated using a specific area to volume ratio.

It is proposed to revise subsection (b) to clearly indicate that the venting is for explosion pressure relief and to substitute the word “shall” in place of the word “will” to provide language that is consistent with the format of Title 8. This proposal will have no effect on the regulated public as these proposed revisions provide clarity to the intent of the regulation and consistency with Title 8 format.

Subsection (c).

Existing subsection (c) requires that there be adequate aisle space and at least two exits separated by a distance equal to at least one fifth the perimeter of the room. Additional openings and firewalls are to be equipped with approved self-closing fire doors with specific requirements for force/pressure required to open the doors.

Also included in subsection (c) is a “NOTE” that permits cubicles to have one exit where no more than two people are working and they are no more than 12 feet from an unobstructed passageway.

It is proposed to repeal the provisions of subsection (c) and the accompanying “NOTE” as their contents are already addressed by local fire authorities through enforcement of the local fire codes and within Article 2, Standard Specifications, of the GISO. This proposal eliminates duplicative regulations and therefore, will have no effect on the regulated public.

Subsection (d).

Existing subsection (d), proposed subsection (c), requires that floors, walls, interior surfaces, and equipment shall be of a finish and color that will indicate the presence of dust and spilled material and shall be of a smooth surface for easy cleaning.

It is proposed to revise subsection (c) to require that the floors and work surfaces be constructed to facilitate cleaning and to preclude, to the extent possible, cracks and crevices where explosive materials could lodge or accumulate. These proposed revisions will require the employer to ensure that the floors and work surfaces are constructed to facilitate cleaning. In addition, this proposal will require the employer to ensure, to the extent possible, that floors and walls are crack free or are repaired when a crack does develop.

Subsection (e).

Existing subsection (e), proposed subsection (d), addresses the heating and cooling of buildings and states it is to be done by steam, water, or other indirect sources or electric heaters.

It is proposed to revise subsection (d) to delete the reference to the use of electric heaters as a source of heat as this type of heat source could also be an ignition source. This prohibition will require the use of only steam, water, or other indirect heating that is already a current explosives industry practice.

Subsection (f).

Existing subsection (f), proposed subsection (e), requires that electrical wiring and equipment be acceptable for the hazard involved and installed in accordance with the hazardous locations section of the Electrical Safety Orders.

It is proposed to revise subsection (e) to delete the phrase “acceptable for the hazard involved and installed” and the term “Hazardous Locations” as this language is unnecessary. This proposal will have no effect on the regulated public as the specific reference to the Electrical Safety Orders addresses the regulation’s intent.

Subsection (g).

Existing subsection (g), proposed subsection (f), requires that effective bonding and grounding be provided to prevent the accumulation of static charges where static charges are a hazard.

It is proposed to revise subsection (f) to delete the modifier “effective” and the conditional phrase alluding to where static charges are a hazard. These proposed revisions will have no effect on the regulated public as bonding and grounding are accomplished to prevent static electricity under all circumstances within the explosive materials manufacturing industry.

Subsection (h).

Existing subsection (h), proposed subsection (g), requires that hydraulic or air presses be provided with pressure relief valves. This subsection also states that dies and plugged press equipment shall not be cleared by striking blows that may detonate or start the material burning.

It is proposed to revise subsection (g) to delete the term “air” and replace it with the commonly used industry term “pneumatic”. In addition, an “EXCEPTION” statement is proposed to permit clearing plugged dies or presses by striking the machinery when the employer/operator has made provisions to contain or to preclude fire or detonation.

Subsection (i).

Existing subsection (i), proposed subsection (h), prohibits explosive dust from being exhausted to the atmosphere. Where vacuum systems are used, a list of seven conditions to be complied with is listed.

It is proposed to revise subsection (h) to require the exhaust system to be designed by a qualified person, and installed and maintained in accordance with the hazards involved, incorporating the included list of seven conditions.

Subsection (i)(1).

Existing subsection (i)(1), proposed subsection (h)(1), requires the use of filters between the source vacuum and the point of pick-up.

It is proposed to revise subsection (h)(1) to substitute the term “shall” in place of the term “must” to be consistent with Title 8 format and to substitute the term “explosive materials” in place of the word “explosives” to be consistent with industry terminology. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (i)(2).

Existing subsection (i)(2), proposed subsection (h)(2), requires the explosive dust system to be designed to prevent pinch points, threaded fittings exposed to the hazardous dust and sharp turns, dead ends, pockets, etc., in which explosives may lodge and accumulate outside the collecting chamber.

It is proposed to revise subsection (h)(2) to substitute the phrase “explosive material dust collection system” in place of the phrase “explosive dust collection system” and to substitute the term “explosive materials” in place of the word “explosives” to be consistent with industry terminology. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (i)(4).

Existing subsection (i)(4), proposed subsection (h)(4), requires that when a dust collector is used in the operating area, it will be provided with an adequate shield to protect personnel in the area.

It is proposed to revise subsection (h)(4) to substitute the phrase “dust is collected” in place of the phrase “dusts are collected” to specify the word “dust” in the singular form. In addition, it is proposed to include the word “protective” in place of the word “adequate” and to relocate the word “adequate” following the word “shields” to clearly indicate the type of shield that is required/necessary. This proposal is editorial in nature and clarifies the intent of the regulation and therefore, will have no effect on the regulated public.

Subsection (i)(5).

Existing subsection (i)(5), proposed subsection (h)(5), states that no more than 2 rooms may be serviced by a common connection to a vacuum collection chamber. Where interconnections are used, means should be employed to prevent propagation of an incident through the collection piping.

It is proposed to revise subsection (h)(5) to spell out the number “two” in place of the number “2”, to remove the permissive language “may” and replace it with the word “shall”, and to remove the word “should” and replace it with the word “shall”. The proposed revision will require the employer to limit the common connections within the system to serving two rooms to prevent/limit the possibility of an incident.

Subsection (i)(6).

Existing subsection (i)(6), proposed subsection (h)(6), requires a wet collector when collecting sensitive explosives and gives examples such as black powder or lead azide. It also requires that the wetting agents be compatible with the explosives.

It is proposed to revise subsection (h)(6) to delete unnecessary phrase "the more" and to substitute the term "explosive materials" in place of the word "explosives" in the first and second sentences to be consistent with terminology commonly used within the explosives industry. Therefore, this proposal will have no effect on the regulated public.

Subsection (i)(7).

Existing subsection (i)(7), proposed subsection (h)(7), requires that explosives dusts be removed from collection chambers as often as necessary to prevent overloading and that the entire system be cleaned at a frequency that will eliminate hazardous concentrations of explosives dusts in pipes, tubing, and/or ducts.

It is proposed to revise subsection (h)(7) to substitute the term "explosive materials" wherever the word "explosives" appears in the regulation to be consistent with terminology commonly used within the explosives industry and to eliminate the plural form of the word "dusts" wherever it appears in the regulation to the singular form "dust". This proposal is editorial in nature and therefore, will have no effect on the regulated public. In addition, it is proposed to revise subsection (h)(7) to prohibit explosive materials being left in the chamber overnight. This proposal will require the employer to ensure that explosive dust is removed from the collection chamber after each day's use to ensure there is no additional "fuel" available should a fire or incident occur after working hours.

Subsection (j).

Existing subsection (j), proposed subsection (i), states squirrel cage blowers should not be used for exhausting hazardous fumes, vapors, or gases. This subsection further states that nonferrous fan blades are permitted when they are located within the ductwork and the motor shall be located outside the duct.

It is proposed to revise subsection (i) to substitute the word "shall" in place of the word "should" and to substitute the phrase "shall be used" in place of the phrase "are permitted" to delete permissive language. In addition, it is proposed to substitute the term "non-sparking" in place of the term "nonferrous" to clarify that fan blades are to be "non-sparking" as "nonferrous" materials can create a spark which could ignite residual materials, vapors, or fumes within the exhaust system. This proposal will have no effect on the regulated public as it clarifies the intent of the regulation and incorporates practices that are currently used within the explosives industry.

Subsection (k).

Existing subsection (k), proposed subsection (j), requires that work stations where less than one pound of explosives is used are to be separated by distance, barrier, or other means to prevent an explosion from being initiated from a fire/incident in an adjacent work station. When necessary, the operator of the station shall be protected with a personnel shield designed to withstand a blast from the maximum amount of explosives at the work station.

It is proposed to revise subsection (j) to substitute the term "explosive materials" wherever the word "explosives" appears in the regulation, to delete the non-quantifiable phrase "small amount" and the specific reference to the "less than one pound" exemption, to insert language referencing "initiation" following the word "fire", and to substitute the word "initiate" in place of the word "ignite" to be consistent with terminology commonly used within the explosives industry. Therefore, this proposal will have no effect on the regulated public. Also, it is proposed to substitute the term "protective" in place of the term "personnel" to clarify that the shield be a protective shield. This proposal is editorial in nature and clarifies the intent of the regulation and therefore, will have no effect on the regulation. In addition, it is proposed to delete the phrase "and its support shall be a tested design to" and to replace this phrase with the language "shall be designed to safely" to require the employer to provide a shield designed to safely withstand an incident. This proposal will have no effect on the regulated public as this requirement is already industry practice.

New Subsection (k).

New subsection (k) is proposed to require that a prototype of the required shield be tested and proven to be sufficient for the anticipated conditions.

Subsection (l).

Existing subsection (l) states that when shields or structures are needed to protect personnel, specific requirements are required depending on the amount of explosives that could become involved.

It is proposed to repeal the provisions of subsection (l) as the proposed revisions to subsection (j) and proposed new subsection (k) will address the concerns of existing subsection (l) regarding the design and construction of a shield or structure. Therefore, this proposal will have no effect on the regulated public.

Table to Subsection (l).

Existing subsection (l) is followed by the specifications for building a structure or shield wall.

This specification table/instruction is proposed for repeal as the proposed performance language in the proposed revisions to subsection (j) and proposed new subsection (k) will result in a job specific shield/device

to protect the employee/operator. Therefore, this proposal will have no effect on the regulated public.

Subsection (m).

Existing subsection (m), proposed subsection (l), requires that when the personal protective wall becomes so large because of the quantity of explosives involved that it is impractical, the operator must perform the operations using remote controls or be protected by a shelter designed with a safety factor of not less than 4. Included in this regulation are references to Title 24 and Title 8, Section 5328.

It is proposed to revise subsection (l) to substitute the word "the" in place of the word "this" to editorially correct language, to delete the reference to "involving large quantities of explosives" as this language is unnecessary, and to substitute the term "shall" in place of the word "must" to be consistent with the format of Title 8. These proposed revisions are editorial in nature and therefore, will have no effect on the regulated public.

It is proposed to delete the references to Title 24 and Title 8, Section 5328 as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Section 5329. Explosive Operations.

The existing title of Section 5329, Explosive Operations, is proposed for revision to include the letter "s" in the word "Explosive" to read "Explosives Operations". This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) requires that mechanical operations involving explosives in excess of one pound be carried out at isolated stations or at intraline distances with the machinery being controlled from remote locations behind barricades or at intraline separations.

It is proposed to repeal the provisions of subsection (a) as the proposed revisions to Section 5328(j) address these concerns. Therefore, this proposal will have no effect on the regulated public.

New Subsection (a).

Existing subsection (a), as presently written, presents several options as to what can be done to ensure the safety of employees working with explosive materials. Explosive materials manufacturers are required to comply with the Process Safety Management regulation regarding hazard analysis of the process. The existing requirements of subsection (a) vaguely address some of the items that are required of the hazard analysis. For this reason, it is necessary to clearly indicate those areas needing to be addressed by the explosive materials manufacturer.

Therefore, a new subsection (a) is proposed to require a process hazard analysis to be performed for all manufacturing operations involving explosive materials. The analysis is to include such factors as initiation and sensitivity of the product; quantity of explosive materials; blast and thermal output; rate of burning; potential ignition and initiation sources; separation barricades; personal protective equipment; and respiratory and circulatory effects of combustion byproducts.

This proposal will have no effect on the regulated public as manufacturers are already required to develop a "hazard analysis" as part of their process safety management documents.

New Subsection (b).

New subsection (b), as recommended by the advisory committee, is proposed which requires the employer to provide employees protection from potential blast overpressures, hazardous fragments and thermal effects when the hazard assessments indicate the probability of an accidental explosion.

New Subsection (c).

New subsection (c), as recommended by the advisory committee, is proposed which requires the employer to install a quick acting fire detection and extinguishing system with the capacity to extinguish potential flash fires in the incipient stage. Such systems shall maximize the speed of detection and application of the extinguishing agent.

Subsection (b).

Existing subsection (b), proposed subsection (d), requires that grinding, blending or other processing of static sensitive explosives or pyrotechnic materials are done in atmospheres having greater than 20% relative humidity. This subsection also states that if the relative humidity drops below the 20% level, the operations are to be stopped and secured. This regulation further contains a statement that it is desirable to keep the relative humidity above 20 to 30 percent, except where metal powders are involved, than the relative humidity should be between 50 and 60 percent.

It is proposed to revise subsection (d) to delete the phrase "or pyrotechnics" as "pyrotechnics" is a type of explosive material and therefore, is unnecessary to reference in the regulation and to include the statement "Except for controlled environments where it is necessary to maintain the humidity below 20%, when the . . ." to precede the phrase "relative humidity drops below 20 percent" to address those conditions where the operation requires less than 20% humidity and a controlled environment exists. In addition, it is proposed to revise subsection (d) to include the parenthetical phrase "(personnel removed)" following the phrase "above operations shall be stopped and secured" to clarify that a secured operation in this

instance means to remove all personnel. This proposal permits employers/operators to manufacture specialty explosive materials where the humidity must be maintained below 20%.

It is proposed to delete the statement regarding the desirable relative humidity and a discussion on metal powders. This language is unenforceable and not a regulation and therefore, is unnecessary. Therefore, this proposal will have no effect on the regulated public.

Subsection (c).

Existing subsection (c), proposed subsection (e), requires that means be provided to discharge static electricity from hand operated equipment. Also, it contains an informational statement regarding the recommendation to use conductive, non-sparking wheels on hand trucks, buggies, and similar equipment.

It is proposed to revise subsection (e) to delete the informational statement recommending that conductive wheels be used on such equipment. This language is unenforceable and not a regulation and therefore, is unnecessary. Therefore, this proposal will have no effect on the regulated public.

Subsection (d).

Existing subsection (d), proposed subsection (f), requires that bulk explosives be kept in covered containers when not being used or processed. It further states that in no case are the explosives to be stored or transported in open containers.

It is proposed to revise subsection (f) to substitute the term "explosive materials" in place of the word "explosives" to be consistent with terminology commonly used in the explosives industry. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (e).

Existing subsection (e), proposed subsection (g), requires that explosive materials at any particular workstation be limited to the quantity distance table in Section 5327 and not exceed a four hour supply. It further states that if a four-hour supply would introduce a serious hazard, the available quantity shall be limited to a lesser amount.

It is proposed to revise subsection (g) to include "EXCEPTIONS" for operations that necessarily require more than a four-hour supply of explosives on site, such as propellant processing or explosives casting operations. This proposal will have no effect on the regulated public as it reflects current explosives industry practices.

Subsection (g).

Existing subsection (g), proposed subsection (i), requires that the general safety rules and operating instructions be available at each station. Also, the rules

are to include the requirements for bonding and grounding, permissible cleaning agents, and other precautions.

It is proposed to revise subsection (i) to clearly indicate that the safety rules and operating instructions are to be available at each "work station" as the term "station" by itself is not clear and to substitute the word "compatible" in place of the word "permissible." This proposal will have no effect on the regulated public as it provides clarity to the intent of the regulation.

Subsection (h).

Existing subsection (h), proposed subsection (j), requires personnel and explosive limits to be posted.

It is proposed to revise subsection (j) to indicate that it is the explosive "load" limit that is to be "conspicuously" posted. The proposed revision will require the employer to conspicuously post the quantity of explosives permitted.

Subsection (i).

Existing subsection (i), proposed subsection (k), prohibits regular maintenance and repair work in explosives building unless the explosives have been removed and the area made safe. Minor adjustments or emergency repairs to secure the immediate safety are permitted.

It is proposed to revise subsection (k) to address only major repair or changes that will require specific notification, inspection, and clean-up procedures that clearly indicates when major repairs or changes may be undertaken.. This proposal will have no effect on the regulated public as the intent of the regulation should already be included within the employer's/operator's injury and illness prevention program as required by Section 3203.

Subsection (j).

Existing subsection (j), proposed subsection (l), requires that tools and equipment used near explosives be appropriate for such material.

It is proposed to revise subsection (l) to substitute the term "explosive materials" in place of the word "explosives" to be consistent with industry terminology and to substitute the phrase "compatible with the explosive materials" in place of the phrase "appropriate for such materials". This proposal will have no effect on the regulated public as it clarifies the intent of the regulation.

Subsection (k).

Existing subsection (k), proposed subsection (m), requires spilled or dropped explosives be cleaned up at once.

It is proposed to revise subsection (m) to delete the phrase "or dropped" as this phrase is unnecessary, to substitute the term "explosive materials" in place of the word "explosives" to be consistent with industry

terminology, and to substitute the phrase “at once” with the word “immediately” to clarify that this situation needs immediate attention. Therefore, this proposal will have no effect on the regulated public as it clarifies the intent of the regulation.

Similar requirements are contained in proposed Section 5276(h) pertaining to blasting operations and existing Section 5312(j) pertaining to explosives loading and assembly operations covering completely different kinds of operations.

Subsection (l).

Existing subsection (l), proposed subsection (n), requires shipping containers, cleaning rags, and other materials contaminated with explosives be removed daily and disposed of in a safe manner. It also references Section 5240.

It is proposed to revise subsection (n) to substitute the term “explosive materials” in place of the word “explosives” to be consistent with terminology commonly used in the explosives industry and to delete the reference to Section 5240 as this reference is unnecessary. Therefore, this proposal will have no effect on the regulated public.

Subsection (m).

Existing subsection (m), proposed subsection (o), requires fireworks, explosives, or explosive charges shall not be stored near any source of heat.

It is proposed to revise subsection (o) to repeal the unnecessary term “fireworks” as the proposed inclusion of the term “explosive materials” includes “fireworks”, to substitute the term “explosive materials” in place of the word “explosives” to be consistent with industry terminology, to repeal the unnecessary phrase “or explosive charges” as the proposed inclusion of the term “explosive materials” includes “explosive charges”, and to substitute the word “placed” in place of the word “stored” and the word “ignition” in place of the word “fire”. This proposal will have no effect on the regulated public as it provides terminology consistent throughout these safety orders and clarifies the intent of the regulation.

Subsection (n).

Existing subsection (n), proposed subsection (p), requires the employer to provide a warning system to alert persons approaching a hazardous operation or area.

It is proposed to revise subsection (p) to delete the phrase “Provide a” and to include the phrase “A warning system shall be provided” to be consistent with the format of Title 8 and to substitute the term “system” for the word “device” to clarify that it is the warning “system” that needs to be activated when operations are being conducted. This proposal will have no effect on the regulated public as the proposed

wording is consistent with Title 8 format and clarifies the intent of the regulation.

New Subsection (q).

New subsection (q) is proposed that requires the employer to ensure employees are attired in clothing and footwear that will not be a source of ignition or retain explosive materials.

This proposal will have no effect on the regulated public as it is already industry practice of explosive manufacturers to provide personnel protective equipment. As part of the employer’s process safety management program, Section 5329(a) requires a process hazard analysis be performed on all operations involving explosive materials including Section 5329(a)(8) pertaining to personal protective equipment. Section 5329(d) and (e) contain regulations on how to control static electricity.

The advisory committee recommended to make the regulation specifically clear that the coverall worn by an employee working in the processing facilities shall be fire retardant, non-static, and pocketless and that the footwear has non-explosive capturing soles.

Section 5330. Testing.

The existing title of Section 5330 reads “Testing”.

It is proposed to revise the existing title of Section 5330 to read “Testing of Explosive Materials” to specify what is being tested. Therefore, this proposal will have no effect on the regulated public.

Subsection (a).

Existing subsection (a) requires the detonation or ignition of explosive charges or fireworks for testing be done only in isolated locations according to the quantity distance table contained in Section 5252 or that barriers will be provided to protect any person connected with the test.

It is proposed to revise subsection (a) to substitute the term “pyrotechnics” in place of the term “fireworks” and to delete the existing word “so” followed by the word “location”. This proposal will have no effect on the regulated public as it omits unnecessary language and provides language that is consistent with terminology used throughout these safety orders.

In addition, it is proposed to delete the reference to the quantity and distance table in Section 5252 as this reference is unnecessary and duplicates existing regulatory language. Also, it is proposed to include the phrase “/shelters shall be” following the word “barriers” to specify that “shelters”, too, be provided; to delete the word “that”; and to substitute the phrase “provided so all personnel will be protected” in place of the phrase “provided that will protect any person connected with the test” to clearly indicate that even personnel not involved with the testing are to be protected, too. This proposal will have no effect on the

regulated public as it is current practice in the explosives industry to test these devices remote from personnel.

Subsection (b).

Existing subsection (b) requires that adequate shelter or distance be provided to protect employees detonating explosives.

It is proposed to repeal subsection (b) as the provisions of proposed subsection (a) contain this requirement. Therefore, this proposal will have no effect on the regulated public.

Subsection (c).

Existing subsection (c), proposed subsection (b), requires when tests are being conducted or explosives are being detonated, only authorized persons are to be present, burning or detonation areas are to be fenced or posted, and warning devices used to alert persons approaching the area.

It is proposed to revise subsection (b) to substitute the term “explosive materials” in place of the word “explosives” wherever the word “explosives” appears in the regulation to be consistent with industry terminology. Therefore, this proposal will have no effect on the regulated public. Also, it is proposed to include the phrase “or provided with controlled access” following the phrase “detonated or burned shall be fenced” to provide the employer/licensed blaster with an alternative to a fenced area provided access is controlled into the test area. In addition, it is proposed to delete the word “adequate” wherever this word appears in the regulation. This proposal will have no effect on the regulated public as the word “adequate” is unclear and therefore, unnecessary.

Section 5331. Disposal of Waste Explosives and Fireworks.

Subsection (a).

Existing subsection (a) contains requirements for the destruction of explosives, and references the quantity and distance table for the appropriate distances to be maintained from inhabited buildings, public highways, operating buildings, and all other exposures.

Subsections (b), (c), and (d).

Existing subsections (b), (c), and (d) also contain provisions for the elimination of scrap explosives, blasting shelters, and when a warning device should be used, respectively.

The provisions of subsections (a), (b), (c), and (d) are proposed for transfer to proposed Section 5240, Disposal of Explosive Materials, specifically subsections (b), (g), (c), and (d), respectively, to locate all the regulations dealing with explosive materials disposal into one section of the GISO. Therefore, this proposal will have no effect on the regulated public.

Article 120. Mixing Blasting Agents.

The title of existing Article 120 is entitled “Mixing Blasting Agents”.

The title to Article 120 is proposed for revision to delete the reference to the word “Mixing”. This proposal informs the regulated public that this Article applies generically to blasting agents rather than giving the impression that the regulations apply only to the mixing of blasting agents.

Therefore, this proposal will have no effect on the regulated public.

Section 5340. General.

The first paragraph of Section 5340 contains the general statement regarding transportation, storage, and use of blasting agents.

It is proposed to revise the first paragraph and to identify it as subsection (a) to be consistent with the format of Title 8 and to substitute the term “explosive materials” in place of the word “explosives” to reflect language commonly used in the explosives industry. Therefore, this proposal will have no effect on the regulated public.

The second paragraph of Section 5340 states that water gels shall be transported, stored, and used in the same manner as explosives or blasting agents in accordance with the classification of the product.

It is proposed to revise the second paragraph and to identify it as subsection (b) to be consistent with the format of Title 8 and to require “slurries” and “emulsions” to be transported and used in the same manner as explosive materials or blasting agents in accordance with the classification of the product. This proposal will have no effect on the regulated public as the explosives industry already classifies slurries and emulsions with regards to their formulation, either as high or low explosives. Also, this proposal is consistent with ATF classifications. In addition, this proposal will have no effect on the regulated public as local fire authorities and other jurisdictions having authority already require this practice.

Section 5341. Mixing of Blasting Agents—Location.
Subsection (a).

Existing subsection (a) requires that buildings or other facilities, including mobile equipment, used for mixing of blasting agents be located in accordance with the quantity and distance table contained in Section 5252, unless the mobile equipment is in the process of loading blast holes.

It is proposed to revise subsection (a) to include the provisions of existing Section 5344(h), except for the exemption of firearms carried by guards, as new subsection (a)(1) that prohibits smoking, matches, open flames, spark-producing devices, and firearms inside of or within 50 feet of any building or facility used for the mixing of blasting agents. Also, this

regulation requires that the land surrounding the mixing plant be kept clear of bush, dried grass, leaves, and other combustible materials for a distance of at least 50 feet.

This proposal will have no effect on the regulated public as its provisions are transferred from existing Section 5344(h). Included in this proposed transfer, it is proposed to delete the exception that security personnel may carry firearms within 50 feet of any mix building or facility. This proposal will have no effect on the regulated public as it is not industry practice to permit guards to carry firearms because this practice could be a major source of ignition. Further, it is proposed to include the term “combustible” before the word “materials” to clearly indicate that it is more than dried vegetation that is to be maintained more than 50 feet from the facility to mitigate the possibility of an incident that could result in the initiation of an incident involving the explosive materials. This proposal does not preclude the maintaining of combustible materials that are incidental to the process within this distance limitation. This proposal will require the employer to ensure that all combustible materials, except those materials incidental to the process, are at least 50 feet from the mixing plant.

Section 5341 that pertains to mixing of blasting agents—location is the more appropriate section in the GISO to contain the prohibition of explosives inside or within 50 feet of any building used to mix blasting agents and to require the clearance of combustible materials around a mixing plant. This proposal will have no effect on the regulated public as it relocates an existing regulation to a more appropriate location in the GISO. Further, this proposal will have no regulatory effect as the regulated public is already required to comply with the federal counterpart regulation, 29CFR 1910.109(g)(2)(vi)(d) that prohibits sources of ignition inside or within 50 feet of any building used to mix blasting agents.

Subsection (c).

Existing subsection (c), proposed subsection (c), requires that ammonium nitrate fertilizer be stored in compliance with NFPA No. 490-1975 and references Title 24 and Title 8, Section 5341.

It is proposed to revise subsection (c) to delete the reference to “Ammonium nitrate fertilizer shall be stored in compliance with NFPA No. 490-1975” as the employer is already required to comply with this requirement through enforcement of local jurisdictions. Therefore, this proposal will have no effect on the regulated public as it eliminates unnecessary language from the regulation. In addition, it is proposed to delete the references to Title 24 and Title 8, Section 5341 as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Section 5342. Mixing Buildings.

Subsection (b).

Existing subsection (b) states that the Division may require explosion venting if heavy construction is used.

It is proposed to repeal subsection (b). This proposal will have no effect on the regulated public as the provision of subsection (b) is vague and permissive.

Subsection (c).

Existing subsection (c), proposed subsection (b), requires the mixing building layout provide physical separation between the finished product storage and the mixing and packaging operations.

It is proposed to revise subsection (b) to include a reference to the intraline distances contained in Section 5327. This proposal will have no effect on the regulated public as it merely assists in locating where in the safety orders this information can be found.

Subsection (d).

Existing subsection (d), proposed subsection (c), requires that floors in storage areas and in processing plants be of concrete or non-absorbent material.

It is proposed to revise subsection (c) to delete the phrase “in storage areas and” as this phrase is unnecessary. Therefore, this proposal will have no effect on the regulated public. In addition, it is proposed to revise subsection (c) to require that the floors be free of cracks and crevices. This proposal requires the employer to ensure that as cracks develop in the floor, they are repaired and sealed to prevent explosive material residue from becoming embedded within the floor.

New Subsection (d).

New subsection (d) is proposed which prohibits the installation of floor drains or piping into which molten materials could flow in the event of a fire.

This proposal will have no effect on the regulated public as this existing requirement regarding the construction of floors and the design of floor drains and piping is proposed for transfer from existing Section 5344(g) and existing Section 5346(b)(2) to a more logical location in proposed Section 5342(d) as this provision should be a general requirement for mixing buildings rather than mixing equipment.

Subsection (e).

Existing subsection (e) requires that liquid fuel be stored outside the mixing building and oxidizer area and located in such a way that in case of tank rupture, the oil fuel will drain away from the mixing plant building. In addition, this regulation requires the shut-off valves be at the tank and that suitable means be provided to prevent the flow of oil fuel to the mixer in case of fire.

It is proposed to revise subsection (e) to indicate that the storage area is to be designed to either retain the liquid fuel or permit the spilled material to drain away from the building. This proposal permits the employer to use a second option rather than one specific method to prevent product contamination should a spill occur.

Subsection (f).

Existing subsection (f) requires the building be well ventilated and directs the reader to a statement that the recommendation contained in Pamphlet No. 1 of the Institute Makers of Explosives, 1965 edition, is evidence of good practice.

It is proposed to include the referenced information within the regulation and to reference the 1993 updated edition of the Institute of Makers of Explosives. This reference is also contained in existing Section 5342 * following subsection (f) and existing Section 7262(f) of the MSO and are proposed for transfer to Section 5342(f) with reference to the updated edition of the Institute of Makers of Explosives. The proposed actions will have no effect on the regulated public as it merely transfers this reference as a "NOTE" with an updated edition of the Institute of Makers of Explosives into the regulation.

Subsection (i).

Existing subsection (i) requires that blasting agents and fuels be removed from the mix house, and the equipment and work area are washed down before major or any open flame repairs are initiated.

It is proposed to revise subsection (i) to require these steps be accomplished prior to the initiation of major work, other than routine maintenance, or open flame repairs. This proposal will have no effect on the regulated public as it clarifies the intent of the regulation.

Subsection (j).

Existing subsection (j) requires that before welding repairs to hollow loading shafts be commenced, all oxidizer material be removed from outside and inside of the shaft and the shaft vented with a specified size opening.

It is proposed to revise subsection (j) to delete the reference to the specific minimum size opening, the requirement for the minimum 1/2 inch diameter venting hole, to permit the employer/operator to determine the size vent hole necessary to safely vent vapors/fumes developed during welding repairs.

Subsection (k).

Existing subsection (k) requires that all internal combustion engines used for electric power generation be located outside the mixing plant building 50 feet from the openings in the building and be ventilated and isolated by a fire wall having a one hour fire-resistance rating. The exhaust system is to be

equipped with a spark arrestor and be located so any spark emission will not be a hazard to any material in or near the plant. Also, this regulation contains references to building standards, Title 24, Title 8, Section 5342(a)–(g) and (k).

It is proposed to revise Section 5342 to delete the references to Title 24 and Title 8, Section 5342(a)–(g) and (k) as these references are obsolete references and no longer applicable. The reference to building standards are proposed for deletion as these regulations are proposed to apply to all industries, construction, mining, tunneling, as well as general industry, making a blanket application of building standards inappropriate in many cases. Therefore, this proposal will have no effect on the regulated public as where a fire safety issue is present, the local fire agencies and/or the State Fire Marshal having the authority will require the necessary provisions to be accomplished.

Section 5344. Mix Room Equipment.

Subsection (a).

Existing subsection (a) requires that mixing facilities comply with the fire prevention requirements of this section, and the mixer be designed to minimize the hazards related to friction, heating, compaction, overloading and confinement.

It is proposed to revise subsection (a) to substitute the term "mixing equipment" in place of the word "mixer" to clarify that it is the mixing equipment that shall be designed appropriately, to eliminate the phrase "and especially" as this language is unnecessary, and to include the phrase "and the accumulation of static electricity". The proposal will require the employer to ensure that all equipment used in the mixing process is grounded to prevent inadvertent discharge of static electricity that could result in igniting explosive materials.

Subsection (b).

Existing subsection (b) requires that bearings and gears are of the outboard type and protected from the accumulation of dust.

It is proposed to revise subsection (b) to substitute the term "explosive materials" in place of the word "dust" to be consistent with industry terminology and to clarify that explosive materials which includes dust is not allowed to accumulate on the bearings or gears. Therefore, this proposal will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) requires that pumps or conveyors that could overheat the blasting agents or create excessive static electricity not be used.

It is proposed to repeal the provisions of subsection (e) as the proposed revisions to subsection (a), to include the hazards of the accumulation of static

electricity, will address these concerns. Therefore, this proposal will have no effect on the regulated public.

Subsection (f).

Existing subsection (f), proposed subsection (e), requires that all electrical equipment in the mixing room conform to the requirements of Class II, Division I, Hazardous Locations of the California Electrical Safety Orders.

It is proposed to revise subsection (e) to delete redundant language as the reference to the Electrical Safety Orders includes the requirements for Class II, Division I, Hazardous Locations, and to delete the phrase “to dissipate static electricity to the ground” as this language is unnecessary. The Electrical Safety Orders of Title 8 already require the bonding of electrical equipment to dissipate errant electrical current. Therefore, this proposal will have no effect on the regulated public as it eliminates extraneous language.

Subsection (g).

Existing subsection (g), proposed subsection (f), requires that an automatic water-deluge system with adequate capacity be provided to protect mixers and finished blasting agent’s storage areas in the plant. Also, the floors are to be constructed without open floor drains and piping into which molten materials could flow and be confined in case of fire. The floor, mixing and packaging equipment is to be washed down periodically to prevent excessive dust accumulation.

It is proposed to revise subsection (f) to transfer the requirement regarding the construction of floors and the design of floor drains and piping to proposed Section 5342(d), a more logical location in Section 5342 relating to mixing buildings. This proposal will have no effect on the regulated public as this existing requirement is proposed for transfer from proposed Section 5344(f) to a more logical location in proposed Section 5342(d) as this provision should be a general requirement for mixing buildings rather than mixing equipment. In addition, it is proposed to substitute the word “or” in place of the phrase “and other” to clarify the intent of the regulation. Therefore, this proposal will have no effect on the regulated public.

Subsection (h).

Existing subsection (h) prohibits smoking, matches, lighters, open flames, spark-producing devices, explosives, and fire arms within 50 feet of any mix building or facility, with an exception for fire arms carried by security personnel. Also, the land surrounding the mixing plant is to be kept clear of brush, dried grass, leaves, and other materials.

It is proposed to transfer the provisions of existing subsection (h) to proposed Section 5341(a)(1). This proposal will have no effect on the regulated public as

its provisions are proposed for relocation. Section 5341 that pertains to mixing of blasting agents—location is the more appropriate section in the GISO to contain the prohibition of explosives inside or within 50 feet of any building used to mix blasting agents and to require the clearance of combustible materials around a mixing plant.

Subsection (j).

Existing subsection (j), proposed subsection (h), limits the quantity of blasting agent that may be permitted in or near the mixing or packaging area to the amount of blasting agent that can be produced in four hours. The limit may also be determined by using the data from the Quantity and Distance Table, Section 5252, whichever quantity is less.

It is proposed to revise subsection (h) to include a reference to the appropriate table, TABLE EX-1. This proposal will have no effect on the regulated public as it identifies where the information for the quantity and distance, Table EX-1, can be found.

Subsection (k).

Existing subsection (k), proposed subsection (i), requires equipment and handling procedures be designed to prevent contamination of the mix by foreign objects or materials.

It is proposed to revise subsection (i) to delete the reference to the word “Both” as this word is unnecessary and to include the phrase “into the mix” and the end of the sentence to clearly indicate that the intent of the regulation is to prevent the introduction of foreign objects into the mix that could contaminate explosive materials. This proposal will have no effect on the regulated public as it clarifies the intent of the regulation.

Subsection (l).

Existing subsection (l), proposed subsection (j), requires that a daily visual inspection be made of the mixing, conveying, and electrical equipment within a mixing room or building. Included in this regulation are references to Title 24, Title 8, Section 5344(a), (f), and (g).

It is proposed to revise subsection (j) to require a visual inspection of the process and appurtenant equipment each day prior to start of operations. This proposal will permit the employer to eliminate a “daily” inspection of the operation when there is no work to be performed on that day.

In addition, it is proposed to revise subsection (j) to delete the references to Title 24 and Title 8, Section 5344(a), (f), and (g) as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Section 5345. Composition.

Subsection (a).

Existing subsection (a) contains a preface statement that the requirements of this section are to be considered when determining blasting agent composition. It also requires that the sensitivity of a blasting agent be determined by testing at regular intervals using a No. 8 test blasting cap.

It is proposed to revise subsection (a) to delete the statement regarding the consideration of the provisions of this section when determining blasting agent composition as this it is already required that employers are to comply with these orders. Therefore, this proposal will have no effect on the regulated public. Also, it is proposed to include the phrase "or equivalent" following the term "blasting cap" to permit the use of a device equivalent to a No. 8 test blasting cap. This proposal will have no effect on the regulated public as it merely makes the regulation consistent with national standards and current explosives industry practice.

Subsection (b).

Existing subsection (b), proposed NOTE, provides examples of oxidizers that have small particle size, and therefore shall be handled with greater care.

It is proposed to revise existing subsection (b) as a "NOTE" as the existing language of subsection (b) was intended to be informational only. As a result, it is proposed to delete the word "shall" and in its place include the word "should" to follow the phrase "be handled with greater care" as the language in this "NOTE" is intended for information only and not for enforcement purposes. Therefore, this proposal will have no effect on the regulated public.

Subsection (d).

Existing subsection (d), proposed subsection (c), prohibits the use of crude oil and crankcase oil in the composition of explosives and explains why they should not be used.

It is proposed to revise subsection (c) to delete the explanatory portion of this regulation that explains why crude oil and crankcase oil should not be used. The language specifically states that crude oil and crankcase oil may contain light ends that offer increased vapor explosion hazards or gritty particles that tend to sensitize the resulting blasting agent. This proposal will have no effect on the regulated public as the regulation still prohibits the use of crude oil and crankcase oil and the proposed deleted language is subjective information.

New EXCEPTION.

Existing subsection (g) of this Section is proposed as a new "EXCEPTION". It is proposed to transfer existing subsection (g) to immediately follow proposed subsection (c) of this Section as an "EXCEP-

TION". Also, it is proposed to state the more appropriate term "subsections" in place of the word "paragraphs" to be consistent with the format of Title 8. In addition, is it proposed to reference only proposed subsections (b) and (c) as a result of the proposed renumbering of this section. Existing subsection (f), proposed subsection (e), as originally referenced in this regulation, conflicts with Section 5241(a) and the explosive industry does not use these chemicals in the blasting agent.

This proposal will have no effect on the regulated public as it clarifies as an "EXCEPTION" that fuel oils specified in proposed subsections (b) and (c) can be used by qualified personnel capable of determining the overall hazards of the resulting products.

Subsection (e).

Existing subsection (e), proposed subsection (d), requires that metal powders are to be kept dry and stored in moisture resistant containers. Also, solid fuels are to be used in a manner to minimize dust explosion hazards.

It is proposed to revise subsection (d) to delete the term "Solid" as this term is unnecessary. The proposed revision will require precautions to minimize dust explosion hazards in general, not just with solid fuels.

Subsection (f).

Existing subsection (f), proposed subsection (e), prohibits the use of peroxides and chlorates when mixing blasting agents.

It is proposed to revise subsection (e) to include the prohibition of perchlorates also. This proposed revision will have no effect on the regulated public as it is industry practice not to use perchlorates in combination with other explosive materials.

Subsection (g).

Existing subsection (g) exempts paragraphs (c), (d) and (f) providing the compositions are made under the supervision of a qualified person.

It is proposed to transfer existing subsection (g) to be located immediately following proposed subsection (c) of this Section as, more appropriately, an "EXCEPTION". This proposed transfer will have no effect on the regulated public is it relocates regulatory language to a more appropriate location as a result of the proposed renumbering of this section.

New Subsection (f).

A new subsection (f) is proposed that requires blasting agents be measured or proportioned to ensure control of sensitivity and oxygen balance.

This proposed regulation will have no effect on the regulated public as these provisions already exist and are proposed for transfer from Section 7264(g) of the MSO.

Section 5346. Blasting Agent Storage.

Existing Section 5346 contains requirements for the storage of blasting agents when stored alone or in warehouses, construction requirements for the storage areas, use of on-highway vehicles for temporary storage, the signing required on the trailers when used, and other general requirements relating to the storage of explosives materials or blasting agents.

Subsection (b).

Existing subsection (b) gives specific requirements for the storage of blasting agents, including the types of structures and construction that may be used, limitations and restrictions on open floor drains and piping, lockable doors, and other requirements.

It is proposed to transfer the provisions of existing subsection (b)(2) regarding floors to be constructed to eliminate open floor drains and piping which molten materials could flow and be confined in case of fire to proposed Section 5342(d). This proposal will have no effect on the regulated public as this proposed action relocates this provision to a more appropriate location in Section 5342(d) regarding mixing buildings.

It is proposed to repeal the remaining provisions of subsection (b) as the construction requirements for explosive materials storage are contained in proposed Section 5253.1. Therefore, this proposed action will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) permits the temporary storage of blasting agents in semi-trailers, trailer vans, or haulage trucks provided they are located as required by Article 114 and have the ability to be secured to prevent theft.

It is proposed to repeal the provisions of subsection (c) as these requirements pertaining to Type 5 magazines duplicate the provisions contained in proposed Section 5251 and TABLE EX-3 and Section 5253.1(e)(1). Therefore, this proposed action will have no effect on the regulated public.

Subsection (d).

Existing subsection (d), proposed subsection (b), requires that trucks and trailers transporting blasting agents be posted with the word "OXIDIZERS" with specific size letters and colored signs with yellow letters on a black background.

It is proposed to revise subsection (b) to require the legend to state "EXPLOSIVES" in place of the word "OXIDIZERS" in red letters on a white background. This proposal will have no regulatory effect as the regulated public is already required to comply with the federal counterpart regulation, 29CFR 1926.902(h).

Subsection (g).

Existing subsection (g), proposed subsection (e), requires any electrical driven conveyors for loading or

unloading bins to conform to the requirements of the California Electrical Safety Orders and be designed to minimize damage from corrosion.

It is proposed to revise subsection (e) to delete the reference to the word "California" preceding the phrase "Electrical Safety Orders". This proposal will have no effect on the regulated public as the reference to California is unnecessary.

Subsection (h).

Existing subsection (h) prohibits the use of blasting to loosen caked oxidizers.

It is proposed to repeal the provision of subsection (h) as this requirement duplicates the provision contained in proposed Section 5363(k). Therefore, this proposed action will have no effect on the regulated public.

Subsection (i).

Existing subsection (i) requires the storage warehouse to be under the supervision of a qualified person who shall be not less than 21 years of age.

It is proposed to repeal the provision of subsection (i) as this requirement duplicates the requirements throughout Group 18 that anyone handling explosive materials to be under the supervision of a licensed blaster who is at least 21 years old. Therefore, this proposed action will have no effect on the regulated public.

Subsection (j).

Existing subsection (j) requires that warehouses used to store blasting agents will be located in accordance with the provisions of the Table of Distances and the Table of Separation Distances of Ammonium Nitrate and Blasting Agents.

It is proposed to repeal the provision of subsection (j) as TABLE EX-2 of Section 5252 already requires that blasting agents and ammonium nitrate be placed at specific distances depending on the quantity. Therefore, this proposal will have no effect on the regulated public.

Subsection (k).

Subsection (k) prohibits smoking, matches, open flames spark producing devices and firearms within 50 feet of blasting agent storage facilities. Approved smoking areas are to be established. Included in this regulation are references to Title 24, Title 8, Section 5346(a), (b), and (j).

It is proposed to repeal the provisions of subsection (k) as these requirements duplicate the provisions of existing Section 5256(b) that prohibit sources of ignition inside or within 50 feet of magazines. Therefore, this proposal will have no effect on the regulated public. In addition, it is proposed to delete the reference to Title 8, Section 5346(a), (b), and (j) as

this reference is an obsolete reference and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Section 5347. Transportation of Blasting Agents.

Subsection (c).

Existing subsection (c) requires that trucks and trailers transporting blasting agents be posted with the word "OXIDIZERS" with specific size letters and colored signs with yellow letters on a black background.

It is proposed to revise subsection (c) to require the legend to state "EXPLOSIVES" in place of the word "OXIDIZERS" in red letters on a white background. This proposal is at least as effective as the federal counterpart regulation, 29CFR 1926.902(h) that requires the legend to read "EXPLOSIVES" and the legend to be in red letters on a white background.

Section 5348. On-Site Mixed Water Gels and Blasting Agents.

The existing title of Section 5348 indicates the regulation applies to on-site mixing of water gels and blasting agents.

It is proposed to revise the title of Section 5348 to include slurries and emulsions. This proposal will require the employer/user to comply with this section when mixing emulsions and slurries on site.

Subsection (c).

Existing subsection (c) requires ingredients classified as Class A or Class B explosives to be stored in compliance with Article 114.

It is proposed to revise subsection (c) to delete the specific references to the Class A or Class B designators as Article 114 applies to all classes of explosives. In addition, it is proposed to substitute the term "explosive materials" in place of the word "explosives" to be consistent with terminology commonly used in the explosives industry. Therefore, the proposed action will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) requires that prilled, grained, or granulated ammonium nitrate be stored in accordance with NFPA No. 490-1975.

It is proposed to repeal the provision of subsection (d) as this requirement is contained in the proposed revisions to Section 5348(a) and Section 5359(c). Therefore, the proposed action will have no effect on the regulated public.

Subsection (e).

Existing subsection (e), proposed subsection (d), requires that liquid ammonium nitrate solutions be stored in containers or permanent tanks in a safe location acceptable to the Division. Additionally, it

requires that spills or leaks that may contaminate combustible materials be cleaned up immediately.

It is proposed to revise subsection (d) to delete references to the locations of the storage, the acceptability to the Division, and the conditional phrase concerning the clean up of spills or leaks. The proposed deletion of the types of storage of liquid ammonium nitrate will have no effect on the regulated public as there are already regulations that address storage and location of ammonium nitrate, specifically Section 5253. The proposed deletion of the phrase "acceptable to the Division" will have no effect on the regulated public as there is no criterion as to what would be acceptable. Also, the deletion of the conditional phrase "which may contaminate combustible materials" is necessary as it is inappropriate and unsafe to have any spilled ammonium nitrate solution remain in the storage area. As a result, this proposal will require that all spills or leaks of liquid ammonium nitrate be cleaned up immediately.

Subsection (f).

Existing subsection (f), proposed subsection (e), requires that mixing equipment comply with the requirements of this section.

It is proposed to revise subsection (e) to state that mixing equipment shall comply with the following requirements as stated in proposed subsections (e)(1) through (e)(5). This proposal is editorial in nature and therefore, will have no effect on the regulated public as it clarifies the intent of the regulation.

Subsection (f)(2).

Existing subsection (f)(2), proposed subsection (e)(2), requires that electric wiring and motors comply with Class II, Division 2, Hazardous Location, California Electrical Safety Orders.

It is proposed to revise subsection (e)(2) to delete the reference to Class II, Division 2, Hazardous Locations and the word "California" and in its place include the word "the". This proposal will have no effect on the regulated public as it merely deletes redundant and therefore, unnecessary references.

Subsection (f)(3).

Existing subsection (f)(3), proposed subsection (e)(3), requires that all electric motors and electrically operated proportioning devices and equipment to be electrically bonded.

It is proposed to revise subsection (e)(3) to require that all exposed metal parts of electrical equipment and personnel be placed at the same potential by electrical bonding and grounding. Also, it is proposed to delete the reference to the phrase "motor, electrically operated proportioning devices and", as this language refers to all electrical equipment and therefore, is unnecessary to specify in the regulation. In addition, it is proposed to include the term

“personnel” because personnel may have different static electrical levels with other equipment that could produce static discharge that could cause an explosive initiation. This proposal will require the employer or user to provide effective bonding and grounding means to ensure the electrical potential is the same.

Subsection (f)(4).

Existing subsection (f)(4), proposed subsection (e)(4), requires the mixer to be designed to minimize the probability of ignition or explosion from heating or compaction of explosive materials and be provided with specifically located gears and bearings with specified clearances.

It is proposed to revise subsection (e)(4) to address the mixing system, to specify that all moving parts of this system be designed to prevent heat build up, to remove the specific references to certain types of actions and machinery parts, and to specify those machine parts which could heat up from excessive bearing friction and are in contact with the explosive materials. This proposal clarifies the intent of the existing regulations and therefore, will have no effect on the regulated public.

Subsection (g).

Existing subsection (g) states that pumps and conveyors that could overheat blasting agents or cause a fire shall not be used.

It is proposed to transfer the provisions of subsection (g) to proposed subsection (e)(4) to address this concern. This proposal will have no effect on the regulated public as this proposed action relocates the provisions of existing subsection (g) to a more appropriate location.

Subsection (i).

Existing subsection (i), proposed subsection (g), requires that a UL approved fire extinguisher, 4B:C or equivalent, be provided for fires not involving blasting agents or explosives.

It is proposed to revise subsection (g) to require that a minimum size and class of the fire extinguisher be provided, 4-A:20-B:C, to be consistent with the NFPA rating system adopted in 1955. This proposal will require the employer to provide a fire extinguishers that is classified as “A” rated and “20-B”, in addition to the existing “C” rating, because fires around mixing equipment could include combustible materials such as wood, cloth, paper, rubber, and many plastics. The advisory committee recommended to specify the size of the fire extinguisher to “20-B” to clearly define the capacity of the extinguisher based on the NFPA rating system adopted in 1955. Also, the reference to the phrase “to use for fires not involving blasting agents or explosives” is proposed for repeal.

This proposal will have no effect on the regulated public as this language duplicates the provisions of proposed new Section 5276(l) that prohibits explosive materials fire fighting and therefore, is unnecessary.

Subsection (k).

Existing subsection (k), proposed subsection (i), requires that a warning sign be posted on the front, sides, and rear of the mixing unit with the word “OXIDIZERS” with specific size letters and colored signs with yellow letters on a black background.

It is proposed to revise subsection (i) to require the legend to state “EXPLOSIVES” in place of the word “OXIDIZERS” in red letters on a white background. This proposal is at least as effective as the federal counterpart regulation, 29CFR 1926.902(h) that requires the legend to read “EXPLOSIVES” in place of the word “OXIDIZERS” and the legend to be in red letters on a white background.

Subsection (l).

Existing subsection (l), proposed subsection (j), requires that bulk delivery vehicles are to conform to this section.

In addition to editorial revisions that clarify the intent of the regulation, it is proposed to revise subsection (j) to include mixing vehicles with these requirements. This proposed revision will require the users of mixing vehicles to comply with specific mixing plant operational procedures.

Subsection (l)(2).

Existing subsection (l)(2), proposed subsection (j)(2), contains requirements for the welding and repair of hollow shafts with a minimum ½ inch diameter size hole to vent the shaft.

It is proposed to revise subsection (j)(2) to include the term “loading” before the word “shaft” to clearly indicate the regulation is addressing hollow loading shafts. This proposal will have no effect on the regulated public it clarifies the intent of the regulation. Also, the specific dimension requirement for the venting hole when welding or repairing a hollow loading shaft is proposed for repeal. This proposal will permit the employer/user to determine the size of the hole that is necessary to ensure that the loading shaft venting is sufficient to preclude the entrapment of fumes or vapors.

Subsection (m).

Existing subsection (m), proposed subsection (k), requires the entire loading and mixing equipment be cleaned frequently to insure against accumulations of ingredients and always before any open flame work is performed.

It is proposed to revise subsection (k) to remove unnecessary modifying adjectives such as “frequently”, “always”, and “any” and to substitute the phrase “prevent hazardous” before the word “accu-

mulations” in place of the phrase “insure against”. These proposed revisions will have no effect on the regulated public as these proposed actions clarify the intent of the regulation and do not alter the intent of the regulation.

Subsection (o).

Existing subsection (o) requires that bulk delivery vehicles be maintained in good mechanical condition.

It is proposed to repeal the provisions of subsection (o) as this requirement is already contained in proposed Section 5262(f) that requires maintaining the vehicle in good mechanical condition. Therefore, this proposal will have no effect on the regulated public.

Subsection (p).

Existing subsection (p), proposed subsection (m), requires the operator to be trained in the safe operation of the vehicle and its mixing, conveying, and related equipment. Also, the regulation requires that he should be familiar with the commodities being delivered and the general procedure for handling emergency situations.

It is proposed to revise subsection (m) to delete the specific gender reference to “He” and therefore, combined the two regulatory sentences. This proposal is editorial in nature and therefore, will have no effect on the regulated public.

Subsection (q).

Existing subsection (q) prohibits the simultaneous hauling of blasting caps or other explosives on bulk trucks unless a special wood or non-ferrous lined container is installed for the explosives. In addition, the explosives shall be shipped in containers specified by the U.S. Department of Transportation.

It is proposed to repeal the provisions of subsection (q) as these requirements are addressed in the transportation requirements of proposed Section 5262(c). Therefore, this proposal will have no effect on the regulated public.

Subsection (r).

Existing subsection (r), proposed subsection (n), requires caution in the movement of vehicles to avoid driving over or dragging hoses over firing lines, cap wires or explosive materials.

It is proposed to revise subsection (n) to substitute the term “detonator” in place of the word “cap” and to delete the specific gender reference to “his” and in its place include the word “the”. This proposal is editorial in nature and therefore, will have no effect on the regulated public as it provides language that is consistent with the Group 18 regulations and consistent with terminology commonly used in the explosives industry and eliminates specific gender references.

Article 121. Snow Avalanche Blasting.

Section 5356. Safety Fuse.

Existing Section 5356 contains the requirements to be followed when using safety fuse for snow avalanche blasting. The safety fuse is to be water resistant, have a minimum burning time of 70 seconds, only an approved fuse lighter shall be used and the lighter shall not be attached to the safety fuse until just prior to time of ignition, and the cut end of fuses be protected for damage.

Subsection (b).

Existing subsection (b) states that safety fuse used in snow avalanche blasting be of sufficient length to provide a minimum burning time of 70 seconds from ignition to detonation.

It is proposed to revise subsection (b) to raise the minimum burning time for the safety fuse from 70 to 90 seconds. This proposal will require the employer to use longer lengths of safety fuse for avalanche blasting operations.

New Subsection (e).

New subsection (e) is proposed that prohibits the employer to install fuse igniters on damaged fuse. This proposal ensures that fuse igniters are not installed on damaged fuse ends, as serious incidents can occur, such as rapid fuse burn, delay in ignition, or other hazards that could endanger the blaster when an attempt is made to ignite a damaged fuse.

Section 5357. Placing Explosives Charges.

Subsection (a).

Existing subsection (a) requires that charges are to be placed, thrown or propelled to the desired location in a safe manner as recommended by the manufacturer.

It is proposed to revise subsection (a) to delete the reference to the phrase “in a safe manner recommended by the manufacturer of the explosive material and/or device” and include instead the phrase “from a safe position or by one of the following methods:” to require that charges be placed from a safe position or by one of the following methods. As a result, it is proposed to include new subsections (a)(1) and (a)(2) that will require the employer to train and instruct personnel to be in a safe place when throwing or propelling the charge; lowering the charge by rope, cord, or pole; or hand placing the charge on or in the snow. Also, it will require that when hand placing the charge, the crewman will be belayed (assisted) from behind by another crewmember.

Section 5358. Misfires-Snow Avalanche Blasting.

The preamble to the requirements of existing Section 5358 states that when a misfire occurs, a minimum 15-minute wait is required before approach-

ing the site where the charge is located. The regulation then gives three alternatives that can be accomplished to make the site safe.

In addition to proposed renumbering, it is proposed to revise Section 5358 to delete the preamble and to include a new subsection (a) that requires the slope to be closed and at least a 60-minute delay before approaching the site where a suspected misfire occurs. This proposal will require the employer to instruct and train personnel to wait the extra time before approaching the blast site. Also, this proposal makes California's regulation identical to the accepted time delay exercised by other states and federal enforcement authorities.

Subsection (b).

Existing subsection (b), proposed subsection (a)(2), permits the placing of a charge alongside the misfire and relighting it.

It is proposed to revise subsection (a)(2) to substitute the term "detonate" in place of the phrase "relight it". This proposal will have no effect on the regulated as the word "detonate" clarifies the intent of the regulation that the purpose of the second charge is to detonate/eliminate the misfire. Also, the word "detonate" is a term commonly used in the explosives industry.

Subsection (d).

Existing subsection (d), proposed subsection (b), permits the marking of the charge location and instituting a search where the recommended conditions are not possible due to terrain or weather conditions.

In addition to the proposed revisions to reflect the renumbering of existing subsections (a) through (c) and an editorial correction, a revision is proposed to indicate this course of action may be taken if it is not "immediately" possible to institute procedures to neutralize the misfire. This proposal will provide the employer an alternative to immediately eliminate the misfire.

Article 122. Ammonium Nitrate Storage.

Section 5359. Scope.

Subsection (a).

Existing subsection (a) contains a statement relating to the types of entities and owners or lessee of buildings, etc. and the baseline quantity of ammonium nitrate affected by the regulations. Also, the regulation addresses the necessity to consider fire and explosion hazards when approving the storage of large quantities of ammonium nitrate. A "NOTE" is included describing the hazards of ammonium nitrate.

It is proposed to revise subsection (a) to delete the specific references to the types of entities and owners or lessee of buildings, etc. and the statement regarding the necessary approval of large quantity storage. This

proposal will have no effect on the regulated public as the Bureau of Alcohol, Tobacco and Firearms and the local fire officials already enforce comparable regulations.

In addition, the "NOTE" to subsection (a) describing the hazards of ammonium nitrate and the cross-reference to Section 5360 is proposed for repeal. The repeal of this "NOTE" will have no effect on the regulated public as it is informational only. In addition, similar language contained in this NOTE is proposed in the NOTE to TABLE EX-2 following Section 5252.

Subsection (b).

Existing subsection (b) states that except as provided in (c), this section applies to the storage of ammonium nitrate in various forms.

It is proposed to revise subsection (b) to include the word "subsection" before the reference to "(c)" to maintain a format consistent with existing Title 8 format. Therefore, this proposal is editorial in nature and will have no effect on the regulated public.

Subsection (c).

Existing subsection (c) prohibits the storage of ammonium nitrate and ammonium nitrate mixtures that are more sensitive than allowed by definition and test procedures for ammonium nitrate fertilizer.

It is proposed to revise subsection (c) to include the source, the publication date, and the page numbers for the referenced publication "Definition and Test Procedures for Ammonium Nitrate Fertilizer". This proposal will have no effect on the regulated public as it merely repeats the information contained in the following existing "NOTE" to this subsection and also includes a publication date. In addition, it is proposed to address this document as a document incorporated by reference. This proposal will require the employer to refer to this publication to determine the storage requirements of ammonium nitrate and ammonium nitrate mixtures that are more sensitive.

It is proposed to revise subsection (c) to permit these products to be stored in accordance with Table EX-1 of Section 5252, the table of distances for storage of explosive materials. The proposed action will have no effect on the regulated public as it is already industry practice to use the explosive materials table for this type of storage.

Existing subsection (c) contains two "NOTES" relating to industry publications.

Existing "NOTE 1" to subsection (c) contains the mailing address for the Fertilizer Institute.

It is proposed to revise the "NOTE 1" to subsection (c) to list the correct mailing address for the publisher of this publication. This proposal is editorial in nature and will have no effect on the regulated public.

Existing "NOTE 2" to subsection (c) lists another source of information regarding ammonium nitrate

entitled "Specifications, Properties, and Recommendations for Packaging, Transportation, Storage, and Use", available from the Compressed Gas Association.

It is proposed to repeal the information in "NOTE 2". This organization's publication addresses Nitrous Oxide Grade. This publication is no longer in print. Therefore, this proposal will have no effect on the regulated public.

Subsection (d).

Existing subsection (d) is a general statement regarding the application of this Article to the production and storage of ammonium nitrate on the premises of the producing plant when there is no distinct hazard to employees. Included in this regulation are references to Title 24 and Title 8, Section 5359.

It is proposed to repeal the statement in subsection (d) as its contents are unrelated to the use of ammonium nitrate as an explosive material. Therefore, this proposal will have no effect on the regulated public. As a result of this proposal, it is proposed to delete the references to Title 24 and Title 8, Section 5359 as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Section 5360. Storage.

Existing Section 5360 contains general requirements for the storage of ammonium nitrate with specifications for walls, separation areas and distances, provisions against storage and use of flammable and combustible liquids except when these fluids are stored in conformance with Section 5417 and other requirements.

Subsections (a) and (a)(1).

Existing subsection (a) provides that in lieu of separation walls, ammonium nitrate may be separated from materials that are reactive when combined with ammonium nitrate by a space of at least 30 feet and, if necessary, sills or curbs shall be provided to prevent mixing during fire conditions. Included in the regulation is a list of "contaminating substances."

It is proposed to revise subsection (a) to delete the list of "contaminating substances". The proposed deletion of this list will have no effect on the regulated public as this list of contaminating substances is informational only.

It is proposed to delete the reference number to subsection (a)(1) and include its provisions as subsection (a). This proposal is editorial in nature and therefore, will have no effect on the regulated public. Also, it is proposed to replace the word "the" immediately following the phrase "may be separated from" with the word "these". This proposal will have no effect on the regulated public as it is editorial in

nature. It is proposed to delete the reference to "referred to in (a)" as this reference is unnecessary and therefore, will have no effect on the regulated public. In addition, it is proposed to delete the phrase "during fire conditions". This proposal will require a method or physical barriers be established to prevent mixing even during normal conditions.

Subsection (b).

Existing subsection (b) requires that storage of flammable and combustible liquids on the premises comply with the requirements of Section 5417.

It is proposed to revise subsection (b) to substitute references to "Articles 135 and 141" in place of the reference to "Section 5417". This proposal will require the employer to ensure that all requirements regarding the storage of flammable and combustible liquids are complied with. In addition, it is proposed to delete the reference to "or (a)(1)" as this reference no longer applies as the result of the proposed revisions to existing subsection (a), and to delete the word "above" as it is unnecessary. This proposal will have no effect on the regulated public as it deletes unnecessary language.

Subsection (c).

Existing subsection (c) permits the storage of sulfur and finely divided metals in the same building as ammonium nitrate when the provisions of Group 18 have been met.

It is proposed to revise subsection (c), including a minor editorial revision, to substitute a reference to "Section 5360(a)" in place of the reference to "of this Group 18". This proposal will have no effect on the regulated public as it clarifies the intent of the regulation by more appropriately addressing the specific subsection within Section 5360 that pertains to the storage requirements for ammonium nitrate.

Subsection (d).

Existing subsection (d) prohibits the storage of blasting agents in the same building as ammonium nitrate unless it is on the premises of makers, distributors and user-compounders.

It is proposed to revise subsection (d) to substitute the term "explosive materials" in place of the phrase "explosives and blasting agents" to be consistent with terminology commonly used in the explosives industry. This proposal is editorial in nature and there, will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) prohibits the storage of Liquefied Petroleum Gas except when the storage conforms to the provisions of the Unfired Pressure Vessel Safety Orders.

It is proposed to repeal the provisions of subsection (e) as these requirements duplicate the provisions of Section 5360(a) and the Division already enforces the

Pressure Vessel Safety Orders. The reference to the Unfired Pressure Vessel Safety Orders is unnecessary as the employer must obtain a permit from the Division's Pressure Vessel Unit prior to locating any LPG storage containers. Therefore, the provisions of subsection (e) are unnecessary. This proposal will have no effect on the regulated public.

Subsection (f).

Existing subsection (f), proposed subsection (e), prohibits the storage of more than 2,500 tons of bagged ammonium nitrate in a building not having sprinkler protection. Sprinkler protection may be required for the storage of lesser quantities when the location of the building or presence of other stored materials may present a special hazard.

It is proposed to editorially revise the first sentence of subsection (e) by restating the existing language to prohibit quantities of 2,500 tons or more of bagged ammonium to be stored in buildings or structures unless equipped with automatic sprinkler systems. This proposal clarifies the intent of the regulation and therefore, will have no effect on the regulated public.

It is proposed to revise the remainder of subsection (e) to remove the word "may" as it appears twice in the regulation as it is permissive and in its place include the word "shall" to require sprinkler protection when the quantity of ammonium nitrate is less than 2,500 tons. In addition, it is proposed to include the phrase "fire or detonation hazard" in place of the phrase "special hazard" to specifically identify the types of hazard. This proposal will require the employer/user to install sprinkler protection unless all fire and detonation hazards have been removed.

Subsection (f)(1).

Existing subsection (f)(1), proposed subsection (f), requires that suitable fire control devices such as fire hoses or portable fire extinguishers complying with Article 157 and/or Article 158 is to be provided throughout the warehouse, in loading and unloading areas. It also references Title 24, Part 6, Title 8, Section 5360.

It is proposed to revise subsection (f) to delete the references to the types of fire extinguishers or fire control systems to be provided as these examples are unnecessary. Therefore, this proposal will have no effect on the regulated public. Also, it is proposed to revise subsection (f) to include the phrase "loading dock areas" in place of the phrase "loading and unloading areas" as the phrase "loading dock" is the industry term for "loading or unloading area". This proposal provides language that is consistent with terminology commonly used in the explosives industry and therefore, will have no effect on the regulated public.

In addition, it is proposed to reformat the existing provisions of subsection (f) to delete the last sentence that states "Suitable fire control devices shall comply with the requirements of Article 157 and/or Article 158" and to include the references to "Articles 157 and/or 158" to immediately follow the phrase "Suitable fire control devices" in the first sentence. This proposal eliminates extraneous language and therefore, will have no effect on the regulated public.

In addition, it is proposed to delete the references to Title 24, Part 6 and Title 8, Section 5360 as the references to Part 6 of Title 24 and Title 8, Section 5360 are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Subsection (g).

Existing subsection (g) requires that electrical installations comply with the California Electrical Safety Orders for ordinary location and be designed to minimize damage from corrosion. It also references Title 24, Part 6, Title 8, Section 5360(a) and (g).

It is proposed to repeal the provisions of subsection (g) as employers are already required to comply with the provisions of the Electrical Safety Orders in Title 8. Therefore, this proposal will have no effect on the regulated public.

In addition, it is proposed to delete the references to Part 6 of Title 24 and Title 8, Section 5360(a) and (g) as these references are obsolete references and no longer applicable. These references are unnecessary as the local fire authorities or the State Fire Marshal already enforces these regulations. Therefore, this proposal will have no effect on the regulated public.

It is proposed to include new language in subsection (g) that states "Where required by local fire authorities or the State Fire Marshal, lightning strike protection shall be provided". This proposal will have no effect on the regulated public as the local fire authorities or the State Fire Marshal already enforces this requirement.

Section 5361. Structures.

Subsection (a).

Existing subsection (a) prohibits storage buildings from having basements unless the basements are open on at least one side.

It is proposed to repeal the provisions of subsection (a) as this regulation would permit the storage of ammonium nitrate in a basement if the basement is open on at least one side. However, this language is not clear on which side of the basement is considered open and whether this opening would provide adequate ventilation and convenient access of materials and employees. If ammonium nitrate is stored at ground level and a fire should occur, this regulation does not prevent melted ammonium nitrate from

flowing into the basement that would increase the hazards of explosions. If ammonium nitrate is stored in a basement, below ground storage could result in an accumulation or exposure to moisture that could result in the deterioration of ammonium nitrate. If a fire should occur, basement storage containing ammonium nitrate has a higher explosion hazard because poor ventilation in a basement could enhance pressure accumulation resulting in an explosion.

As a result of these possible hazardous conditions, it is proposed to include new language in subsection (a) to require that ammonium nitrate storage buildings shall be one-story buildings only without basements. This proposal will require employers to ensure that only single-story buildings without basements are used for the storage of ammonium nitrate, a practice currently used in the industry.

Subsection (b).

Existing subsection (b) requires storage buildings to have adequate ventilation or be constructed with self-ventilating capabilities in the event of fire.

It is proposed to revise subsection (b) to delete the reference to construction that will be self-ventilating and to require that the building be capable of adequate ventilation in the event of fire. The proposed provisions of this regulation are currently contained in existing Section 5363(b). As a result, existing Section 5363(b) is proposed for deletion to eliminate duplicative regulations in the GISO. This proposal clarifies the intent of the regulation and therefore, will have no effect on the regulated public.

Subsection (e).

Existing subsection (e) requires buildings and structures to be dry and free from water seepage through the roof, walls and floors. Immediately following subsection (e) are references to Title 24 and Title 8, Section 5361.

It is proposed to delete the references to Title 24 and Title 8, Section 5361 as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Section 5362. Containers Storage.

Subsection (a).

Existing subsection (a) requires that bags and containers used for ammonium nitrate must comply with specifications and standards required for interstate commerce. A "NOTE" permits the use of non-conforming containers in the manufacturing or processing processes.

It is proposed to revise subsection (a) to substitute the word "shall" in place of the word "must" to provide language consistent with terminology used in Title 8. Therefore, this proposal is editorial in nature and will have no effect on the regulated public.

The "NOTE" to subsection (a) is proposed to be re-designated as an "EXCEPTION" and proposed for transfer to immediately follow subsection (b). This proposal will have no effect on the regulated public as the existing language is an exception and should be included to follow subsection (b), the more appropriate location in Section 5362.

Subsection (b).

Existing subsection (b) prohibits the storage of ammonium nitrate in containers when the ammonium nitrate exceeds 130 degrees Fahrenheit.

The existing "NOTE" following subsection (a) that permits the use of non-conforming containers in the manufacturing or processing processes is proposed for transfer to follow subsection (b) as an "EXCEPTION" statement to address both subsections (a) and (b). This proposal will have no effect on the regulated public as it recognizes accepted industry practice that has been proven not to create a hazardous condition for employees.

Subsection (d).

Existing subsection (d) addresses the height and length of storage piles and the limitations imposed when stored in a non-sprinkled or combustible building.

It is proposed to revise subsection (d) to substitute language to indicate the regulation is addressing "stacked bags" in place of the word "bags". The proposal will have no effect on the regulated public as it clarifies the intent of the regulation.

Section 5363. Bulk Storage.

Subsection (b).

Existing subsection (b) requires warehouses to have adequate ventilation or be capable of adequate ventilation in case of fire.

It is proposed to transfer the provisions of subsection (b) to proposed subsection (b) of Section 5361 relating to structures. This proposal will have no effect on the regulated public as this provision is relocated to a more appropriate location in Section 5361 relating to structures in the GISO.

Subsection (d).

Existing subsection (d), proposed subsection (c), requires that bins are clean and free of materials that may contaminate ammonium nitrate.

It is proposed to revise subsection (c) to delete the reference to the phrase "clean and". This proposal will have no effect on the regulated public as it eliminates unnecessary language.

Subsection (e).

Existing subsection (e), proposed subsection (d), contains a "NOTE" that addresses the special coatings that may be put on wood or steel to protect the material

from corrosion. Included in this “NOTE” is a reference to sodium silicate.

It is proposed to revise the “NOTE” to subsection (d) to include the term “(water glass)”, the common term for “sodium silicate”. This proposal will have no effect on the regulated public as it clarifies the term “sodium silicate”.

Subsection (f).

Existing subsection (f), proposed subsection (e), requires that partitions dividing the storage of ammonium nitrate from the storage of other products that could contaminate the ammonium nitrate shall be of tight construction.

It is proposed to revise subsection (e) to include an explanatory statement at the end of this regulation that this requirement is to eliminate cracks or crevices. This proposal will have no effect on the regulated public as it merely clarifies the intent of the regulation.

Subsection (i).

Existing subsection (i), proposed subsection (h), addresses the height or depth of piles limited by the pressure-setting tendency of the product. The regulation further prohibits ammonium nitrate be piled higher at any point than 36 inches below the roof or supporting and spreader beams overhead. Included in this regulation is a “NOTE” that explains pressure-setting. The term “pressure-setting” appears both in the regulation and in the “NOTE”.

It is proposed to revise subsection (h) to include the term “(caking)” to identify the process addressed by the term “pressure-setting”. This proposal will have no effect on the regulated public as it clarifies the term “pressure-setting”.

Subsection (j).

Existing subsection (j), proposed subsection (i), prohibits ammonium nitrate from being accepted for storage when the temperature of the product exceeds 130 degrees Fahrenheit.

It is proposed to revise subsection (i) to include an “EXCEPTION” to the 130 degree Fahrenheit limit for the storage of ammonium nitrate for manufacturing or processing. This proposal will have no effect on the regulated public as it recognizes conditions that are accepted procedures and part of the manufacturing process.

Subsection (k).

Existing subsection (k), proposed subsection (j), prohibits the use of dynamite or other explosives and blasting agents to break up or loosen caked ammonium nitrate. Included in this regulation are references to Title 24, Title 8, Section 5363(a), (b), (c), (d), and (e).

It is proposed to revise subsection (j) to delete the reference to the term “Dynamite” and to substitute the term “explosive materials” in place of the phrase “explosives and blasting agents” to be consistent with

industry terminology and to include a reference to the phrase “bagged or bulk” following the word “loosen” to clarify the intent of the regulation. Therefore, this proposal will have no effect on the regulated public.

In addition, it is proposed to delete the references to Title 24 and Title 8, Section 5363(a), (b), (c), (d), and (e) as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Article 123. Small Arms Ammunition and Primers, and Smokeless and Black Powder Propellants.

The existing title to Article 123 includes a reference to small arms ammunition and primers, smokeless and black powder propellants.

It is proposed to revise the title of Article 123 to include the phrase “Small Arms Ammunition” prior to the term “Primers” to read “Small Arms Ammunition and Small Arms Ammunition Primers, and Smokeless and Black Powder Propellants”. The proposal will have no effect on the regulated public as it clarifies the intent of the Article.

Section 5370. Scope.

Existing Section 5370 addresses the scope of the Article and makes reference to small arms ammunition, small arms primers, smokeless propellants, and black powder propellants. Included in this regulation are references to Title 24, Title 8, Section 5370.

It is proposed to revise Section 5370 to include the term “ammunition” prior to the term “primers”. This proposal will have no effect on the regulated public as it clarifies the intent that the term “primer” in this Article applies only to small arms ammunition primers.

In addition, it is proposed to delete the references to Title 24 and Title 8, Section 5370 as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public as where a fire safety issue is present, the local fire agencies and/or the State Fire Marshal having the authority will require the necessary provisions to be accomplished.

Section 5371. Small Arms Ammunition.

Subsection (a).

Existing subsection (a) states that no restrictions are imposed on truck or rail transportation of small arms ammunition other than those that are imposed by the U.S. Department of Transportation or by the presence of other hazardous materials.

It is proposed to repeal the language in subsection (a) as it informational only and therefore, is unnecessary. Therefore, this proposal will have no effect on the regulated public.

Subsection (b).

Existing subsection (b) further states that no quantity limitations are to be imposed on the storage of small arms ammunitions in warehouses, retail stores and other general occupancies except those imposed by limitations of storage facilities and consistent with employee safety.

It is proposed to repeal the language in subsection (b) as this statement is vague. Also, the fact that other entities such as ATF and the State Fire Marshal enforce the storage of small arms ammunition render this regulation unnecessary. Therefore, this proposal will have no effect on the regulated public.

Subsection (c).

Existing subsection (c), proposed subsection (a), permits a clear distance of 50 feet when storing small arms ammunition not separated by a fire-resistive wall of one-hour rating.

It is proposed to revise subsection (a) to substitute the term "fire-resistant" in place of the term "fire-resistive". This proposal will have no effect on the regulated public as it is editorial in nature. In addition, is proposed to revise subsection (a) to substitute the "25 feet" clearance distance in place of the existing "50 feet" clearance distance to be consistent with the ATF distance requirements. This proposal will permit a 25-foot clearance distance as currently recognized and practiced within the explosives industry.

Subsection (d).

Existing subsection (d), proposed subsection (b), prohibits the storage of small arms ammunition with Class A or B explosives. Included in this regulation are references to Title 24 and Title 8, Section 5371(c).

In addition to substituting the term "high explosives" in place of the phrase "Class A or Class B explosives" to be consistent with language commonly used in the explosives industry, it is proposed to revise subsection (b) to delete the phrase "for this latter storage" as this language is unnecessary. The existing Class A and Class B references to explosives are proposed to be substituted with the explosive "Type". This proposal will have no effect on the regulated public as it clarifies the intent of the regulation.

It is proposed to delete the references to Title 24 and Title 8, Section 5371(c) as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public as where a fire safety issue is present, the local fire agencies and/or the State Fire Marshal having the authority will require the necessary provisions to be accomplished.

Section 5372. Smokeless Propellant.

Subsections (a) and (b).

Existing subsection (a) requires that all smokeless propellants are to be stored in shipping containers.

Existing subsection (b) contains the requirements for the storage of smokeless propellants in other types of containers.

It is proposed to revise subsection (a) to include an exception in subsection (a) to recognize the alternatives in subsection (b). This proposal will have no effect on the regulated public as it is intended to direct the user to the alternatives already contained in existing subsection (b).

Subsection (b)(1).

Existing subsection (b)(1) requires quantities of smokeless propellants between 20 and 100 pounds to be stored in portable wooded boxes having walls at least one inch thick.

It is proposed to revise subsection (b)(1) to substitute "110 pounds" in place of "100 pounds" as the maximum amount to be stored in a portable wooden box. This proposed revision will have no effect on the regulated public as the manufacturer's packaging system has changed from the pound system to the metric system. Therefore, the original 100-pound capacity Type 3 magazine cannot accommodate two boxes of 25-kilogram packages that weighs 110 pounds and is over the 100-pound original limit.

Subsection (b)(2).

Existing subsection (b)(2) requires that smokeless propellants in quantities over 100 but less than 800 hundred pounds be stored in non-portable storage cabinets having one inch thick wood walls.

It is proposed to revise subsection (b)(2) to reduce the maximum quantity permitted for this type of storage and to permit the use of non-sparking material having the equivalent strength of the specified construction materials. This proposal will make California's regulations equivalent to ATF, the lead agency for the storage of explosive materials and therefore, will have no effect on the regulated public. In addition, this proposal permits the employer/user to construct cabinets of materials other than wood, provided they are non-sparking.

Subsection (c).

Existing subsection (c) requires that commercial stocks in excess of 800 pounds, but less than 5,000 pounds, may be stored in a building if certain requirements are met. The regulation then lists 7 separate or related items to be complied with.

It is proposed to revise subsection (c) to reduce the minimum quantity of explosive materials storage from 800 to 750 pounds and to include the phrase "all of" to precede the phrase "the following requirements are met:" to clearly indicate that the employer is to comply with all of the listed requirements. These proposed revisions requires the employer to comply

with all of the 7 conditions when storing 750 pounds or more of smokeless propellants that is consistent with ATF regulations.

Subsection (c)(5)(C).

Existing subsection (c)(5)(C) states that barricades between cabinets are to be constructed of boiler plate at least ¼-inch thick, or of equivalent materials.

It is proposed to revise subsection (c)(5)(C) to substitute the term “steel” in place of the phrase “of boiler” as the term “boiler plate” is not commonly used as when these regulations were first promulgated. As a result, the term “boiler plate” may be unclear and a clearer term “steel plate” is proposed to be consistent with terminology commonly used in the explosives industry. Therefore, this proposal will have no effect on the regulated public.

Subsection (c)(7).

Existing subsection (c)(7) requires that the building be equipped with an automatic sprinkler system installed in compliance with a specific NFPA standard regarding the installation of sprinkler systems.

It is proposed to revise subsection (c)(7) to delete the specific reference to the NFPA standard and to substitute a reference to Article 159. This proposal will have no effect on the regulated public as Article 159 is based upon NFPA No. 13.

Subsection (d).

Existing subsection (d) requires that smokeless powder not stored in accordance with (b), (c) and (d), whichever applies, is to be stored in a magazine as required by Article 114. Included in this subsection are references to Title 24, Title 8, Section 5372(d) and (e).

It is proposed to revise subsection (d) to include the word “subsections” prior to the reference to (c) to be consistent with the format of Title 8 and to delete the reference to “(d) of this Section” as subsection (d) does not contain references or requirements for the storage of smokeless propellants and the phrase “of this Section” is unnecessary language. This proposal is editorial in nature and will have no effect on the regulated public.

In addition, it is proposed to delete the references to Title 24 and Title 8, Section 5372(d) and (e) as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public as where a fire safety issue is present, the local fire agencies and/or the State Fire Marshal having the authority will require the necessary provisions to be accomplished.

Section 5373. Black Powder Propellant.

Subsection (b).

Existing subsection (b) prohibits the display of more than one pound of black powder propellant in commercial establishments.

It is proposed to repeal the provision of subsection (b) as this requirement is enforced by local and federal agencies. The ATF and local authorities regulate the amount of commercial stocks of black powder propellant that may be displayed in commercial establishments. This proposal will have no effect on the regulated public as this requirement is therefore, unnecessary.

Subsection (c).

Existing subsection (c) prohibits the storage, in commercial buildings, of black powder propellant in quantities of more than 50 pounds.

It is proposed to repeal the provision of subsection (c) as existing subsection (d), proposed subsection (b), of this Section already requires that quantities of over 50 pounds of black powder propellant be stored in a Type 1 or Type 2 outdoor magazine.

Section 5374. Small Arms Ammunition Primers.

Subsection (d).

Existing subsection (d) contains eight requirements that are to be complied with when storing quantities in excess of 750,000 small arms ammunition primers in a building.

It is proposed to revise subsection (d) to include the phrase “all of” before the phrase “the following” to clearly indicate that all of the following conditions must be met if quantities in excess of 750,000 small arms ammunition primers are to be stored in a building. This proposal will have no effect on the regulated public as it clarifies the intent of the regulation.

Subsection (d)(6).

Existing subsection (d)(6) permits the separation distance between cabinets be reduced by a specified amount when using barricades provided the barricades are twice the height of the cabinets. The regulation specifies partitioning and construction materials.

It is proposed to revise subsection (d)(6) to substitute the term “steel” plate in place of the term “boiler” plate. This proposal will have no effect on the regulated public as it merely deletes an outdated term.

Subsection (e).

Existing subsection (e) requires commercial stocks of small arms ammunition primers not in the original shipping containers be stored in a magazine constructed as specified in Article 114. Included in this regulation are references to Title 24 and Title 8, Section 5374.

It is proposed to delete the references to Title 24 and Title 8, Section 5374 as these references are obsolete references and no longer applicable. Therefore, this proposal will have no effect on the regulated public.

Subchapter 17. Mine Safety Orders.

It is proposed to repeal or transfer all the Mine Safety Orders (MSO) explosive regulations to Group 18 of the General Industry Safety Orders (GISO). Those regulations that duplicate regulations already in the GISO and the California Occupational Safety and Health Regulations (i.e. Sections 344.20, 344.21, and 344.22) are proposed for repeal. The regulations proposed for transfer are proposed for transfer into the GISO. Those regulations that are unique to the mining industry and are not contained in the GISO are proposed for transfer into the appropriate section of the GISO. Therefore, the repeal or transfer of the mine explosive regulations will have no effect on the regulated public other than to eliminate duplicative or obsolete requirements, or to retain a formally industry specific regulation within the proposed reorganized explosive regulations. The final result of this proposal will be only one set of explosive regulations for the employer to refer to, as the explosives regulations will be located into one location in the GISO, making it more convenient for the user.

Article 1. Definitions.

Section 6958. Definitions.

Existing Section 6958 contains definitions of terms used within the MSO regulations to ensure the devices and/or processes addressed within the regulations are clearly defined and understood.

Subsection (a).

Existing subsection (a) states that the following definitions shall apply in the application of these Orders. It also states that the singular number includes the plural, and the plural includes the singular.

It is proposed to delete the latter part of subsection (a) that states the singular number includes the plural, and the plural includes the singular. This proposal will have no effect on the regulated public as this language is obsolete and therefore, no longer applicable.

In addition, it is proposed to remove the existing numbering system of the definition sections of the MSO following subsection (a). This proposal will have no effect on the regulated public as it provides a format consistent with the definition sections of the CSO and the TSO.

It is proposed to repeal, transfer, and transfer and editorially revise some of the definitions of Section 6958 to Section 5237 of the GISO, the definition section. The definitions that are proposed for repeal either already exist in the GISO and therefore, eliminate duplicative definitions or reflect obsolete industry practices, technology, terminology, or classification of materials and therefore, are no longer necessary. The definitions that are proposed for transfer to the GISO are either transferred verbatim or transferred and editorially revised for clarity to reflect

changing industry practices, technology, terminology, or classification of materials.

The following definitions are proposed for **repeal**: ANFO; Barricade-Artificial; Barricade-Natural; Barri-caded; Blaster; Blast Area; Blasting Accessories; Blasting Agent; Blasting Cap (the term "Blasting Cap" already exists in the GISO; however, the definition is proposed for transfer under the term "Detonator"); Blasting Circuit; Blasting Machine; Blasting Mat; Blasting Operation; Blasting Shelter; Bullet Resistant; Cap Crimper; Capped Fuse; Chlorate Explosives (the term "Chlorate Explosives" already exists in the GISO; however, the definition is proposed for transfer under the term "Explosive Materials" as "Explosives, Chlorate"); Connecting Wires; Coyote Hole; Detonator Cord; Detonator; DOD; Electric Blasting Cap (the term "Electric Blasting Cap" already exists in the GISO; however, the definition is proposed for transfer under the term "Detonator"); Explosives; Explosives, Class A (obsolete classification); Explosives, Class B (obsolete classification); Explosives, Class C (obsolete classification); Fuse, Safety; Igniter Cord; Inhibited Building; Leading Wires; Note: The loading hose and loading tube may be constructed in one piece; Misfire; Missed Hole; Nitro-Carbo-Nitrate (obsolete terminology); Primary Blasting; Primer; Safety Fuse (the term "Safety Fuse" already exists in the GISO as "Fuse, Safety"); Secondary Blasting; Slurry Explosives; Springing; Squib Electric; Stemming Material; USDOT; and, Water Gels, Slurry Explosives and (A) and (B).

The following definitions are proposed for **transfer** to Section 5237 of the GISO: Air Loader (editorially revised for clarity); Air Supply Lines; Loading Hose (editorially revised for clarity); Loading Line; Loading Tube (editorially revised for clarity); Mudcapping; Permanent Leading Wires [transferred to the GISO and editorially revised for clarity under the term "Permanent Blasting (Leading) Wires"]; and, Static Dissipating (editorially revised for clarity).

Article 50. Explosives.

The heading "GENERAL" is proposed for repeal as it is no longer applicable as a result of this proposal and therefore, will have no effect on the regulated public.

Section 7200. Minors.

Existing subsections (a) and (b) prohibit any person under the age of 18 to be involved with any activity relating to the storage, use, handling, and transportation of explosives. Any person between the age of 18 and 21 may be involved in any activity relating to the storage, use, handling, and transportation of explosive materials provided they are under the direct personal supervision of a competent person.

Subsections (a) and (b) are proposed for repeal as these provisions are contained in existing Section 5238(a) and (b), respectively, of the GISO that is proposed for transfer to Section 5276(g) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Section 7201. (6-90). Training.

Existing Section 7201 requires that all persons involved with detonators or explosives be trained in the hazards of the job. Trainees are to be under the direct supervision of a competent person.

Section 7201 is proposed for repeal as its provisions are already contained in Section 5239 of the GISO and therefore, will have no effect on the regulated public.

Section 7202. (6-92). Deteriorated Explosives.

Existing Section 7202 requires explosives unfit for use to be destroyed in a safe place by a competent person as set forth by the US Bureau of Mines and the Institute of Makers of Explosives or other recognized authority. Explosives are never to be buried or covered as a means of disposal.

Section 7202 is proposed for repeal as its provisions are already contained in Section 5240(a) of the GISO and therefore, this proposed action will have no effect on the regulated public.

Section 7203. Explosives for Blasting.

Existing subsection (a) prohibits the use of chlorate explosives for blasting operations.

Existing subsections (b) and (c) also require that explosives are to be of a type that will not freeze at any temperature that may be reasonably expected, and that advice is to be obtained from the explosive manufacturer before using or attempting to thaw frozen explosives.

Subsections (a) and (b) are proposed for repeal as their provisions are contained in Section 5241(a) and (b) of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Existing subsection (c) is proposed for repeal as its provisions are permissive in nature and therefore will have no effect on the regulated public. Also, the provisions of subsection (c) are contained in existing Section 5241(c) of the GISO that is proposed for repeal.

Therefore, this proposal to repeal subsection (c) will have no effect on the regulated public. Proposed Section 5240(a) of the GISO will address the handling of frozen explosives.

Section 7204. Water Gels.

Existing subsection (a) requires that water gels containing explosive be manufactured, transported, stored and used as specified in this Article.

Existing subsection (b) requires that water gels without explosives but are cap sensitive as defined under "Blasting Agent" shall also be classified and manufactured, transported, stored, and used as specified for explosives in this Article.

Existing subsection (c) requires that water gels which are not cap sensitive as defined by "Blasting Agent" are to be classified as blasting agents and manufactured, transported, stored, and used as blasting agents as specified in this Article.

Subsection (a) is proposed for repeal as its provisions duplicate the requirements of proposed Section 5242(a) of the GISO. Subsection (b) is proposed for repeal as its provisions are currently contained in existing Section 5242(b) that is proposed for transfer into proposed Section 5242(a). Subsection (c) is proposed for repeal as its provisions duplicate the requirements of proposed Section 5242(b) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Section 7205. Black Powder Blasting.

Existing Section 7205 recommends that black powder not be used for blasting. However, the regulation delineates those persons and procedures necessary to safely use black powder for blasting operations if black powder is to be used.

This section is proposed for repeal. This proposed action will have no effect on the regulated public as the provisions of Section 7205 are contained in Section 5243 of the GISO.

Section 7206. Explosives for Underground Use.

Existing Section 7206 requires explosives for underground use to meet specific criteria determined by delineated tests using a standard cartridge in a Bichel Gauge. These tests are to be conducted using the standard procedure of the U.S. Bureau of Mines. Only Fume Class 1 explosives are to be used underground. The regulation permits the use of permissible explosives under specified conditions and locations. It further states that only plant mixed blasting agents where composition control is assured are permitted for use underground.

Section 7206 is proposed for repeal as its provisions are contained in proposed Section 5244 of the GISO and therefore, this proposed action will have no effect on the regulated public.

Section 7207. (6-123)(6-124). Electric Detonation of Explosives During Lightning and Dust Storms.

Existing subsection (a) requires that all blasting operations using electric caps or static sensitive explosives shall be stopped when there is a lightning storm.

Existing subsection (b) requires that when there is an approaching dust storm capable of producing sufficient static electricity to detonate an electric

blasting cap, all operations are to be halted. In both cases, all persons shall be withdrawn to a safe location.

Existing subsection (c) states that instrumentation to determine the presence of static electricity may be required by the Division.

Subsection (a) is proposed for repeal as its provisions are contained in proposed Section 5245(a) of the GISO and therefore, this proposed action will have no effect on the regulated public.

Subsection (b) is proposed for repeal as its provisions are contained in existing Section 5245(b) that is proposed for transfer to proposed Section 5245(a) of the GISO and therefore, this proposal will have no effect on the regulated public.

Subsection (c) is proposed for repeal as its provisions are contained in existing Section 5245(c) of the GISO that is proposed for revision in proposed Section 5245(c) and therefore, this proposal will have no effect on the regulated public.

Section 7208. (6-52). Smoking and Open Flames.

Existing Section 7208 prohibits smoking and open flames within 50 feet of explosive material in the open except where permitted by these orders.

Section 7208 is proposed for repeal as its provisions are already contained in Section 5246 of the GISO and therefore, this proposed action will have no effect on the regulated public.

Article 51. Storage of Explosives.

Section 7210. Storage—General Requirements.

Existing Section 7210 contains the general requirements for the storage of explosives. The regulations require that all explosives are to be stored in a first or second class magazine except when being transported. The regulation also specifies that any quantity of explosives over 100 pounds is to be stored in a first-class magazine. An exception to this requirement is permitted for small arms ammunition and Class C explosives such as explosive power packs in the form of explosive cartridges or explosive-charged construction devices, explosive rivets and like devices. Any quantity of these devices over 50 pounds is to be stored in a magazine. The regulation prohibits the storing of blasting caps with explosives or blasting agents; contains prohibitions regarding detonating cord; requires maintaining a specified brush free distance around the magazine; specifies requirements for magazine locks and persons permitted to enter the magazine; indicates where electric power lines are to be with respect to the magazine; and requires that ammonium nitrate fuel oil blasting agents be physically separated from explosives stored in the same magazine. The regulation states that care is to be taken to ensure that the oil from the blasting agent does not contaminate the explosives.

Subsections (a), (d), (e), (f), and (i) are proposed for repeal as these provisions are contained in proposed Section 5251(a), (c), (d), (e) and (e)(1), and (f) of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Subsection (b) is proposed for repeal as its provisions are contained in existing Section 5251(b) that is proposed for transfer to proposed Section 5251(h) of the GISO. The “Exception” that follows subsection (b) is proposed for repeal as its provisions are contained in Section 5251(b)(1) and (b)(2) of the GISO. Subsection (c) is proposed for repeal as its provisions are contained in existing Section 5251(c) that is proposed for transfer to proposed Section 5251(h)(2) of the GISO. Subsection (g) is proposed for repeal as its provisions are contained in existing Section 5251(g) that is proposed for transfer to proposed Section 5251(j) of the GISO. Subsection (h) is proposed for repeal as its provisions are contained in existing Section 5251(h) that is proposed for transfer to proposed Section 5251(j) of the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

A portion of existing subsection (j) is proposed for transfer to Section 5251(g) of the GISO. This proposed transfer to prohibit explosives storage magazines to be located within specified distances of low and high voltage electrical lines will have no effect on the regulated public as it is industry practice to maintain the 25 foot distance from low-voltage electrical lines and the 100 foot distance from overhead high-voltage electrical lines. This proposal merely transfers the existing regulation in the MSO to the GISO.

The other portion of existing subsection (j) regarding the proper placement of magazines should an electrical line break is proposed for repeal as this regulation is already contained in Section 5251(g) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Subsection (k) is proposed for transfer to Section 5256(m) of the GISO. This proposed action merely retains the MSO regulation in the GISO and provides specificity with respect to avoiding contaminating explosive materials with fuel oil or other liquid oxidizer. This prohibition is implied within Article 20, Mixing of Blasting Agents, Sections 5341, 5348, and 5360 and therefore, this proposal will have no effect on the regulated public.

Section 7211. (6-20). Quantity and Distances Table for the Storage of Explosives—Class A.

Existing Section 7211 regulations and an accompanying table state the requirements for the minimum distances that a magazine with a specified quantity of blasting caps or explosives subject to mass detonation may be situated from listed topographical features.

This section requires the listed distances be doubled where there is no barricade for the magazine or an inhabited building. The section further addresses situations in which there are two or more storage facilities on the same property and what is required under those conditions. The section gives equivalency of explosives for blasting caps and detonating cord.

The Table entitled "Quantity and Distances Table for the Storage of Explosives—Class A" lists distances when storage is barricaded. This Table is not applicable to any handling or temporary storage necessary if incidental to the transportation of explosives.

This section and Table are proposed for repeal as the provisions of Section 7211(a) through (h) and the Table are contained in proposed Section 5252(a); proposed TABLE EX-1; Section 5252(e), (c), (d), (b) and (a); and TABLE EX-1 of Section 5252 of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Section 7212. Quantity and Distance Table for Storage of Explosives—Class B Distances in Feet When Storage Is Unbarricaded.

Existing Section 7212 consists of an explanation of a Class B explosive and a table of unbarricaded distances from topographical features that specified quantities of Class B explosives are to be stored. The regulation further states that the distance is not to be reduced because of the presence of barricades or earth cover.

This section is proposed for transfer to new Section 5252.1, as "Quantity and Distance Table for Storage of Explosives—Low Explosives Distances in Feet When Storage is Unbarricaded" in the GISO. This proposed action will have no effect on the regulated public as the mining and tunneling industries are the only industries affected by this regulation and are already required to comply with these requirements. In addition, the DOD and ATF regulations already require the exact the same requirements for many years.

Section 7213. First-Class Magazines.

Existing Section 7213 incorporates the provisions of Title 24, Chapter B62 and identifies it as Title 8, Section 7213. First-Class Magazines.

This statement is proposed for repeal as it is unnecessary and therefore, will have no effect on the regulated public.

Existing subsection (a) delineates what a first-class magazine may be, e.g., building, excavation, tunnel, or a portable magazine constructed as required by Section 7213.

Subsection (a) is proposed for repeal as its provisions are contained in existing Section 5254(a) of the GISO that is proposed for transfer to proposed new

Section 5253.1(a)(1). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (b) requires that first-class magazines be bullet and fire resistant, weather proof, theft resistant and well ventilated.

Subsection (b) is proposed for repeal as its provisions are contained in existing Section 5254(b) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(a)(1) and (b)(1). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO. An "Exception" is provided that states magazines storing blasting agents and Class B and C explosives do not have to be bullet resistant. This "Exception" is proposed for repeal as its provisions are contained in existing Section 5254(b)EXCEPTION of the GISO that is proposed for transfer with revisions to Section 5253.1(d)(1) and (e)(1). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (c) requires that magazines are to be bullet resistant and be constructed of masonry, wood, metal, or a combination of these materials. Included is the minimum thickness of wall construction using the referenced materials. Also included is a statement that only tongue and grooved lumber or plywood is to be used and wood is to be covered with metal to provide fire protection.

Subsections (c)(1) through (c)(4) are proposed for repeal as their provisions are contained in existing Section 5254(c)(1) through (c)(4) of the GISO that is proposed for transfer to new Section 5253.1(a)(1). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Subsections (c)(5) and (c)(6) regarding two layers of No. 6 Manufacturers Standard Gage or heavier steel spaced a minimum 1/2 inch apart and interior lines with a minimum of 2 inches of wood and two layers of wood at least 2 inch normal thickness each spaced a minimum 4 inches apart with the hollow space filled with weak cement, well tamped sand, or equivalent material are proposed for repeal as their provisions are contained in existing Section 5254(c)(5) and (c)(6) of the GISO that is proposed for transfer to new Section 5253.1(a)(1)(B)2. and new Section 5253.1(a)(1)(B)1., respectively. Subsections (c)(7) and (c)(7)(A) pertaining to wood shall be of tongue and grooved lumber or plywood are proposed for repeal as these provisions are no longer applicable and will not effect the regulated public. Subsection (c)(7)(B) regarding wood shall be cover on the exterior side with metal to provide protection against sparks is proposed for repeal as its provisions are contained in existing

Section 5254(c)(4) of the GISO. Existing Section 5254(c)(4) is proposed for transfer to proposed new Section 5253.1(a)(1)(A)3. that will address sparks and fire resistant magazines.

Proposed new Section 5253.1 of the GISO addresses the construction of walls for storage magazines. Proposed new Section 5253.1 incorporates the Bureau of Alcohol, Tobacco, and Firearms (ATF) regulations. ATF is the lead federal agency for regulating the storage of explosive materials throughout the United States and therefore, this proposed action will have no effect on the regulated public.

Existing subsection (c) contains two "NOTES". The first "NOTE" provides a grandfather clause for portable magazines that were constructed before May 21, 1971 if certain provisions are taken to protect the magazine. The second "NOTE" states that any sheeting used shall be plywood or tongue and groove lumber. The provisions of these "NOTES" are also contained in existing Section 5254(c)(7) and (c)(7)NOTE of the GISO, respectively, that are proposed for repeal.

These "NOTES" are proposed for repeal as the ATF regulations, that are proposed for adoption as new Section 5253.1 of the GISO for the construction of explosive storage magazines, no longer are specific to this type of construction. The regulatory effect of this proposal is that California employers will no longer have to comply with a regulation enforced only in California.

Existing subsection (d) requires the door to be bullet resistant construction and lockable with a protector such as a steel hood over the lock to minimize the possibility of tampering with the lock.

Subsection (d) is proposed for repeal as similar provisions are contained in existing Section 5254(d) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(a)(1) and (a)(1)(G). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (e) requires that the floors of the magazines are to be securely fastened and capable of withstanding the loads imposed.

Subsection (e) is proposed for repeal as similar provisions are contained in existing Section 5254(e) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(a)(1)(C). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (f) permits building type magazine walls and roofs to be made of wood covered with No. 26 U.S. Standard gauge metal. If there is a possibility that a bullet could be fired directly through the roof into the magazine, the roof construction would have to meet the requirements of subsection (c)

or a four inch deep layer of sand would have to be placed on the roof, covering the entire magazine ceiling area.

Subsection (f) is proposed for repeal as its provisions are contained in existing Section 5254(f) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(a)(1)(E). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (g) addresses the requirements for ventilation to minimize dampness and the heating of stored explosives. Also, the regulation is specific in the wire mesh size and wire gauge to be used to screen the ventilation openings.

Subsection (g) and the accompanying "NOTE" referencing Pamphlet No. 1, published by the Institute of Makers of Explosives, 1965 Edition, as evidence of good practice with respect to ventilation, are proposed for repeal as their provisions are contained in existing Section 5254(g) and (g)NOTE of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(a)(1)(D), (f), and (f)NOTE. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (h) requires magazines to have a smooth finish without cracks or crevices with all nails or fasteners countersunk. It also requires that materials capable of emitting sparks shall be covered so as not to come into contact with packages of explosives.

Subsection (h) is proposed for repeal as similar provisions are contained in existing Section 5254(h) of the GISO that is proposed for transfer with revisions to proposed Section 5256 as new subsection (n). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (i) requires signs containing specific warnings and of a given color with minimum letter size to be posted at the approach to the explosive storage magazine.

Subsection (i) is proposed for repeal as similar provisions are contained in existing Section 5254(i) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(f). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

In summary, the provisions in proposed new Section 5253.1 will include Federal OSHA and Bureau of Alcohol, Tobacco, and Firearms wall construction requirements. Bureau of Alcohol, Tobacco, and Firearms is the lead federal agency regarding the storage of explosive materials. These regulations are enforced nationwide and their incorporation ensures California's regulations are consistent with the federal

regulations. Therefore, this proposal requires the regulated public to provide safeguards consistent with federal mandates.

Section 7214. (6-27) Second-Class Magazines.

Existing subsection (a) states what a second-class magazine will be and the type of materials it can be constructed of.

Existing subsection (b) requires that second-class magazines be constructed of specific dimensioned lumber, plywood, or steel over plywood or material having equal strength and fire resistance.

Existing subsection (c) requires that second-class magazines in buildings be located for easy removal in the event of a fire.

Existing subsection (d) requires the magazine be painted red and have white lettering of a specific dimension stating "EXPLOSIVES."

Existing subsection (e) requires second-class magazines containing explosives located where no one is in attendance shall be adequately secured to prevent theft.

Existing subsection (f) permits magazines that are not fire resistant when they are located more than 50 feet from combustible material.

The provisions of subsections (a) through (e) are proposed for repeal as similar provisions are contained in existing Section 5255(a) through (e) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1 (b) and (c); (b), (c), (d), and (e); (b)(1)(D); (b)(1)(E); and (b)(1)(B) of the GISO, respectively. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Subsection (f) is proposed for repeal as its provisions are contained in existing Section 5255(f) of the GISO that is also proposed for repeal. The provisions of subsection (f) are an exception to the fire resistant requirements and therefore, its repeal will have no effect on the regulated public. Further, it is not industry practice to construct second-class magazines that are not fire resistant and therefore, this repeal will have no effect on the regulated public.

In summary, the provisions in proposed new Section 5253.1 will include Federal OSHA and Bureau of Alcohol, Tobacco, and Firearms wall construction requirements. Bureau of Alcohol, Tobacco, and Firearms is the lead federal agency regarding the storage of explosive materials. These regulations are enforced nationwide and their incorporation ensures California's regulations are consistent with the federal regulations. Therefore, this proposal requires the regulated public to provide safeguards consistent with federal mandates.

Section 7215. (6-20). Storage Within First-Class Magazines.

Existing Section 7215 requires that first-class magazines be kept clean and free of rubbish. First-class magazines are not to be used as storerooms except for equipment incidental to explosives handling. Other requirements include using specific portable lighting within the magazine; how to stack packages of explosives; using the oldest explosive first; ensuring all primers and capped fuses are used as soon as reasonably possible after making; not packing or unpacking containers of bulk explosives within 50 feet of the magazine and securely fastening the container cover before returning the container to the magazine; removing all explosives from the magazine, placing them in another magazine, and cleaning the floors before repairs to the inside of the magazine are initiated; and ensuring that where there is a possibility of sparks when working on the outside of the magazine that the explosives are removed from the magazine first.

This section is proposed for repeal as the provisions of Section 7215(a) through (i) are contained in Section 5256(a) through (i) of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Section 7216. Makeup or Primer House for Blasting Operations.

Existing Section 7216 states where primers are to be made up and stored; how many pounds of explosives may be stored in a makeup house; how many primers of each delay may be stored; and, permits primers to be made up in a separate building provided appropriate magazines are provided for the explosives, detonators and primers.

This section is proposed for repeal as the provisions of Section 7216(a) and (b) are contained in proposed Section 5257(b) and (c)NOTE of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Section 7217. Storage of Explosives Underground.

Existing Section 7217(a) through (f) requires that: escape routes that will remain open in an emergency are provided in the event stored explosives should explode or burn; first class magazines be specific distances from underground workings, other magazines, haulage ways and fire retardant timbers; limitations on the length of storage time underground; the Hazardous Locations requirements of Part 3, Title 24 are complied with; signing is provided; and a 100-foot area clear of rubbish be maintained.

Subsections (a) through (f) are proposed for repeal as the provisions of these regulations are contained in Section 5258(a) through (f) of the GISO, respectively, and therefore, will have no effect on the regulated public.

Existing Section 7217(g) requires that the detonator storage magazine be of the same construction as explosive storage magazines and located at least 25 feet from a second-class magazine.

Subsection (g) is proposed for transfer to proposed Section 5258 as new subsection (g) of the GISO. The provisions regarding at least "25 feet" from a second class magazine is proposed for revision to require at least "50 feet" from a second class magazine to be consistent with 29CFR 1926.904(f) federal requirement that permanent underground magazines containing detonators are to be stored 50 feet away from above ground magazines. This proposal will make California's state standard at least as effective as the federal counterpart regulation.

Article 52. Transportation of Explosives.

Section 7220. General.

Existing subsection (a) exempts transportation of explosives under the jurisdiction of USDOT, the California Highway Patrol, the California Vehicle Code, or the Health and Safety Code on Public Highways.

Existing subsection (b) prohibits the transportation of explosive initiation devices with radio transmitting devices unless they have been tested and proven safe for transportation under those circumstances by a laboratory approved by the State Fire Marshal.

Existing subsection (c) prohibits the transportation of blasting caps in any vehicle carrying more than 5,000 pounds of explosives.

This section is proposed for repeal as the provisions of subsections (a), (b), and (c) are contained in existing subsections (a), (b), and (c) of Section 5262 of the GISO, respectively, that are proposed for revisions and explained in the GISO. Therefore, this proposed action will have no effect on the regulated public.

Section 7221. Surface Transportation.

Existing subsection (a) requires that vehicles transporting explosives or blasting agents are to have placards with specific legends/signs of definite size and color at specified locations on the vehicle.

Existing subsection (b) prohibits the transportation of electric blasting caps and capped fuses with explosives unless they are in separate compartments, with an air gap of at least 25 inches between the compartments.

Existing subsection (c) states the vehicle is to be in good working order and the load secured, have no sparking metal in the cargo space, and additional requirements if the vehicle has an open body.

Existing subsection (d) states the vehicle is to be equipped with a 4-BC unit or equivalent Underwriter's approved fire extinguisher.

Existing subsection (e) states, unless protected from damage, containers of explosives are not to be transported with other equipment not incidental to the explosive operation. The exception is for special service trucks equipped as necessary to carry small amounts of explosives provided they are safeguarded as required by subsection (b), (c), and (d).

Existing subsection (f) requires only the driver and employees necessary for the operation of the vehicle is allowed on the vehicle carrying explosives.

Existing subsection (g) states no service or repairs using flame producing devices are to be accomplished on the vehicle while transporting explosives.

Existing subsection (h) states explosive carrying vehicles shall comply with the Quantity Distance Table when stored.

Existing subsection (i) states that the driver shall not leave the vehicle cab until the motor is stopped and the brakes are set and reasonable precautions shall be taken to prevent the movement of the vehicle.

Existing subsection (j) states that explosives shall not be left unattended during transportation. The attendant must be trained in the hazards of explosives and have an emergency plan.

Existing subsection (k) states explosives or detonators are not to be transported on locomotives.

Existing subsection (l) states vehicles containing explosives or detonators shall not be taken to a repair garage or shop for any purpose.

Subsections (a), (b), (c), (d), (e), (g), (h), (i), and (k) are proposed for repeal as these provisions are contained in the proposed revisions to Section 5262(d), (c), (f), (g), (h), (j)(1), (k), (l), and Section 5266(c), respectively, and therefore, this proposed action will have no effect on the regulated public.

Subsection (f) is proposed for repeal as its provisions are already contained in existing Section 5263(f) of the GISO that is proposed for transfer with revisions to proposed Section 5262(i). This proposed action will have no effect on the regulated public as explained in the GISO.

Existing subsection (j) states that explosives shall not be left unattended during transportation and requires the attendant to be trained in the hazards of explosives and have an emergency plan.

Subsection (j) is proposed for repeal as these provisions are contained in proposed Section 5262(m), (n), and (s) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (l) states that vehicles containing explosives or detonators shall not be taken to a repair garage or shop for any purpose.

Subsection (l) is proposed for transfer to proposed Section 5262(k). This proposal will have no effect on the regulated public as various subsections within Section 5262 already address reasons why a truck with

explosives should not be in a repair garage: i.e. subsection (i) permits only the driver to attend or move the vehicle; subsection (k) prohibits the use of flame or heat producing devices on the vehicle, items which can readily be found within a garage or shop; and subsection (m) requires the driver to secure the vehicle.

Section 7222. Transportation of Explosives—Underground—General.

Existing subsection (a) contains definitions for “Car”, “Train”, and “Trackless Vehicle.”

Existing subsection (b) states that explosives shall not be left on the station level near the shaft collar, mine or tunnel entrance, but shall be taken to the place of use or storage without delay.

Existing subsection (c) requires that detonators, capped fuses or other explosives being transported be in substantially constructed containers with tight fitting covers of materials acceptable to the Division. A “NOTE” is provided that states original cases or DOT containers are acceptable except for primers.

Existing subsection (d) states that detonators, primers, or capped fuses shall not be transported in the same container or compartment with other explosives.

Existing subsection (e) requires each primer to be transported in a partitioned, non-metallic container.

Existing subsection (f) states that explosives are not to be transported with materials or equipment other than those used in blasting.

Subsections (a), (b), (c), (c)NOTE, (d), (e), and (f) are proposed for repeal as their provisions are contained in Section 5237 and proposed Section 5264(a), (b), (c), (c)NOTE, (d), and (e) of the GISO, respectively, and therefore, will have no effect on the regulated public.

Section 7223. Transportation of Explosives—Hoisting or Lowering.

Existing subsection (a) permits only authorized persons to ride any shaft conveyance transporting explosives.

Existing subsection (b) requires that the hoist operator be notified that explosives are being transported.

Existing subsection (c) requires that the explosive be in an appropriate conveyance.

Existing subsection (d) specifies that hoisting operations in adjacent shafts be discontinued while explosives are being handled.

Subsections (a), (b), and (c) are proposed for repeal as these provisions are already contained in Section 5265(a), (b), and (c) of the GISO, respectively, and therefore, the proposed action will have no effect on the regulated public.

Subsection (d) is proposed for transfer to Section 5265 as new subsection (d). This proposal will have no

regulatory effect on the regulated public as the mining and tunneling industries are the only industries affected by this regulation and are already required to comply with these requirements.

Section 7224. Rail Transportation of Explosives—Underground.

Existing Section 7224(a) through (f) permits only the train crew and powder men to ride on a train transporting explosives; requires that explosives in quantities of 100 pounds or more be in special powder cars; prohibits explosives from being transported on the locomotive and requires at least one empty car be kept between the locomotive and explosive’s car; requires the special powder car to be labeled; prohibits the powder car from being pushed, except when switching or on a dead end line; and requires the primers to be placed in the primer compartment of the powder car in the appropriate box and primer and powder compartments are to be separated by at least 25 inches of air space.

Subsections (a) through (f) are proposed for repeal as their provisions are already contained in Section 5266(a) through (f) of the GISO, respectively, and therefore, the proposed action will have no effect on the regulated public.

Subsection (g) permits only materials used in blasting to be transported at the same time as explosives.

Subsection (g) is proposed for repeal as the proposed revisions to Section 5264(e) of the GISO will address this prohibition. Therefore, the proposed repeal of subsection (g) will have no effect on the regulated public.

Section 7225. Transportation of Explosives—Underground—Special Trackless Vehicles.

Existing Section 7225(a) through (e) require that trackless vehicles used to transport explosives underground are truck type vehicles without dump bodies; that they are especially equipped for that purpose and maintained in compliance with Section 7221; that they are lined with nonconductive materials and equipped with closed compartments to carry the explosives; that the vehicle has signs on the sides, front and rear with specific wording and lettering size; and is equipped with a flashing red light that is visible from the front and rear.

Subsection (a) is proposed for repeal as its provisions are contained in existing Section 5267(a) of the GISO that is also proposed for repeal. The provisions to proposed Section 5267(a) and (b) of the GISO are specific regarding the equipping of vehicles for the addressed purpose such as closed compartment that prevents accidental dumping. This proposal will have no effect on the regulated public as the provisions

of proposed Section 5267(a) and (b) pertain to this regulation. Therefore, existing subsection (a) is unnecessary.

Subsections (b) through (e) are proposed for repeal as their provisions are contained in Section 5267(a) through (d) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Existing Section 7225(f) and (g) prohibit the carrying of rock, ore, or other materials not necessary for the blasting operation and permits only the vehicle operator and blaster on the vehicle.

Subsection (f) is proposed for repeal as its provisions are contained in existing Section 5267(f) of the GISO that is also proposed for repeal as proposed Section 5262(h) already contains this provision. Therefore, this proposal will have no effect on the regulated public as its provisions are already contained in the GISO.

Subsection (g) is proposed for repeal as its provisions are contained in existing Section 5267(g) of the GISO that is proposed for transfer to proposed Section 5262(i). Therefore, this proposal will have no effect on the regulated public as its provisions are already contained in the GISO.

Section 7226. Transportation of Explosives—Manual.

Existing Section 7226 requires that manually transported explosives be carried in suitable bags or containers. Additionally, detonators and primers are to be transported in separate bags or containers.

Subsections (a) and (b) are proposed for repeal as its provisions are contained in Section 5268(a) and (b) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 7227. Transportation of Explosives—Air and Water.

Existing Section 7227 requires that aircraft and water transportation of explosives comply with federal government or equivalent standards.

This section is proposed for repeal. This proposed action will have no effect on the regulated public as federal regulations pre-empt local authorities with respect to air and water transportation.

Article 53. Handling and Use of Explosives—Blasting Operations.

Section 7230. General.

Existing subsection (a) requires an authorized competent person to be in charge of blasting.

Subsection (a) is proposed for repeal as its provisions are contained in proposed Section 5238(a) of the GISO. Therefore, this proposed action will have no effect on the regulated public.

Existing subsection (b) prohibits smoking or open flames within 50 feet of any area where explosives are being handled.

Subsection (b) is proposed for repeal as its provisions are contained in Section 5276(a) of the GISO. Therefore, this proposed action will have no effect on the regulated public.

Existing subsection (c) permits only energized power cables or sources of ignition that are necessary to the loading and firing operation to be in an area where there are loaded holes.

Subsection (c) is proposed for repeal as its provisions are contained in existing Section 5276 (c) that is also proposed for repeal. Section 5276(a) and (d) and Section 5299(e) and (g) of the GISO already contain the provisions of subsection (c). Therefore, this proposed action will have no effect on the regulated public.

Existing subsections (d), (e), (g), and (h) require that only appropriate tools be used to open explosive containers; paper cartons, sawdust and rubbish from explosives containers be removed to a safe place; all leftover explosives and initiating devices are to be returned to their proper magazines; and, blasting mats are to be used where there is the possibility of flying rock or material damaging other property.

Subsections (d), (e), (g), and (h) are proposed for repeal as their provisions are contained in Section 5276(b), (c), (e), and (f) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Existing subsection (f) prohibits explosives to be placed or left within 5 feet of an electric light circuit or electric power circuit except during transportation.

The provision of subsection (f) is proposed for repeal as proposed Section 5276(d) of the GISO contains this requirement with proposed revisions that explosive materials shall not be placed within 25 feet of exposed electrical circuits except during transportation. This proposal will have no effect on the regulated public as it is industry practice to maintain at least 25 feet from all electrical circuits as they are a potential source of ignition.

Section 7231. (6-100). Tamping Poles and Devices.

Existing Section 7231 requires that tamping poles are made of wood or acceptable plastic materials; the end of the tamping pole is square and of a size that will not bypass the cartridge in the hole; the wooden tamping poles have no metal parts, except for non-ferrous metal ferrules for extending the length of the pole; and plastic poles are not used unless accepted by the Division. A "NOTE" is included explaining why some plastics cannot be used for tamping poles.

Subsections (a), (b), and (c) are proposed for repeal as their provisions are contained in Section 5277(a), (b), and (c) of the GISO, respectively.

Subsection (d) and the “NOTE” to subsection (d) are proposed for repeal as these provisions are contained in existing Section 5277(d) and the “NOTE” to subsection (d) of the GISO. The existing provisions of Section 5277(d) and the “NOTE” to subsection (d) are proposed for transfer with proposed revisions that are explained in the GISO to proposed Section 5277(a) and as a new “NOTE” to subsection (a). Therefore, this proposed action will have no effect on the regulated public as these provisions are already contained in the GISO.

Section 7232. Loading Explosives—General.
Subsections (a) through (p).

Existing subsections (a) through (p) contain the requirements necessary to perform explosives loading operations safely. The regulations address requirements concerning when loading is to commence and the condition of the bore holes; vehicular traffic; number of persons at the loading site; amount of explosives to be delivered at the site; and the minimum strength of detonators to be used. Also, the regulations require that the detonator be encased with explosives; tamping to be done with light blows, if required; holes stemmed to sufficiently confine the charge; and stacks of explosives to be spaced to prevent propagation of an explosion. The regulations specify a distance to be maintained from a charged hole when springing a hole, the sprung hole is to cool before being loaded, and drop fuses are not to be used. The regulations state that charged holes cannot be deepened; blasting is to take place as soon as possible after charging has taken place but in no case longer than 72 hours after charging; and explosives are to be separated from detonators until charging takes place. The regulations state that capped primers are to be made up at the time of charging and as close to the blast site as conditions allow; only non-sparking implements are to be used to punch holes in an explosive cartridge; and provisions are required to prevent unauthorized entry into an area containing charged holes.

Subsections (a) through (p) are proposed for repeal as their provisions are contained in Section 5278(a), (c), (d), (e) with proposed revisions that are explained in the GISO, (f), (g), (h), (i), (j), (k) and (l), (m), (o), (p), (q), (r), and (s) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Subsection (q).

Existing subsection (q) requires all detonators of a round to be of the same brand.

Subsection (q) is proposed for repeal as its provisions are contained in existing Section 5278(u) that is proposed for transfer to proposed Section

5299(j) of the GISO. Therefore, this proposed action will have no effect on the regulated public as this provision is already contained in the GISO.

Subsections (r) through (t).

Existing subsections (r) through (t) require the use of a double trunkline or loop system for detonating cord blasting; trunklines in multiple row blasts are to make one or more complete loops with crossties between loops at intervals not to exceed 200 feet; and all detonating cord knots are to be tight and the connections kept at right angles to the trunklines.

Subsections (r) through (t) are proposed for repeal as their provisions are contained in Section 5278(t) through (v) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public as these provisions are contained in the GISO.

Section 7233. Loading and Blasting Near and Under Power Lines.

When surface blasting under or near overhead power lines, existing Section 7233 requires that leading wires be placed at right angles to power lines and anchored to prevent the circuit conductors from being thrown into the overhead lines. Additionally, the loaded holes are to be covered with a nonconductive blasting mat that is to be anchored to prevent it or other material from being blown into the overhead lines.

Subsections (a) and (b) are proposed for repeal as their provisions are already contained in Section 5279(a) and (b) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 7234. Pneumatic Loading of Explosives and Blasting Agents.

Existing Section 7234 contains general information that this regulation applies to all devices, appurtenances, operations, and procedures used in charging bore holes or other cavities with an explosive or blasting agent by means of compressed air. This section contains those requirements to be complied with when charging bore holes with explosives or blasting agents. The regulation gives parameters regarding use of construction material and requires the vessel that is pressurized on an air loader be designed, constructed, inspected, and stamped as meeting the requirements of the Unfired Pressure Vessel Safety Orders. There are requirements for a mesh screen, air trap or a filter to be installed on the air supply line. The air temperature is to be maintained below 150 degrees Fahrenheit and there is to be a pressure relief valve set no higher than 55 pounds per square inch pressure. The equipment is to be grounded using at least #8 American Wire Gauge straps or cables connected to a ground rod. Specific resistance limits are listed. Prior to attaching the loader, the air supply line shall be

blown out and the material poured into a pressure type loader shall be passed through a one-half inch opening screen. Air loaders used to place stemming shall be cleaned before and after such use.

The first paragraph of Section 7234 is proposed for repeal as this information is contained in existing Section 5280(a) which is proposed for repeal as it is informational only, and will have no effect on the regulated public. Subsections (a), (a)(1), (a)(2), and (a)(3); (b) and (b)(1) through (4); (c) and (c)(1) through (3); (d), (d)(1) {except for the last sentence of subsection (d)(1)}, (d)(2), and (d)(3); and (e) and (e)(1) through (3) are proposed for repeal as these provisions are contained in Section 5280(a), (a)(1), (a)(2), and (a)(3); (b) and (b)(1) through (4); (c) and (c)(1) through (4); (d), and (d)(1) through (4); and (e) and (e)(1) through (3) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

The last sentence of subsection (d)(1) which requires that pneumatic loading equipment shall not be grounded to water lines, air lines, rails, or other permanent electrical grounding systems is proposed for transfer to Section 5280(d)(3) of the GISO. This proposal will have no regulatory effect as the regulated public is already required to comply with the general provisions of Section 5299(a) relating to stray or extraneous current.

Section 7235. (6-160)(6-175). Firing of Explosives.

Existing Section 7235 requires that the employer or his delegated representative determine the time of blasting. Signals are to be given and assurance that all explosives and persons are in a safe place and a safe distance or under cover before the blast is fired. Warning signals, such as horns, voice communication or flaggers, shall be given before the blast.

Subsections (a) through (d) are proposed for repeal as these provisions are contained in Section 5291(a) through (d) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 7236. Secondary Blasting.

Existing Section 7236 prohibits activity of any kind that creates a hazard to explosives during secondary blasting operations and requires the use of detonating fuse or instantaneous blasting caps when shots to be fired are in such close proximity that one shot could displace another.

Subsections (a) and (b) are proposed for repeal as their provisions are contained in Section 5292(a) and (b) of the GISO, respectively, and therefore, the proposed action will have no effect on the regulated public.

Section 7237. Misfires.

The introductory sentence of existing Section 7237 provides information stating that misfires are the most hazardous operation associated with blasting operations.

This statement is proposed for repeal as it is informational only and will have no effect on the regulated public.

Existing subsection (a) requires that the shot area be examined for misfires after each blast and, if misfires are found or suspected to exist, they will be reported to the appropriate person.

Subsection (a) is proposed for repeal as its provisions are contained in Section 5293(a) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Existing subsection (b) requires, where possible, that the number of explosive charges in each blast is to be counted and compared to the number of explosions heard.

Subsection (b) is proposed for repeal as the phrase "Where possible" is vague, in addition to the fact that it is not possible to accurately count the number of explosions in a blast sequence. This proposed action will have no effect on the regulated public as this regulation has not been actively enforced.

Existing subsection (c) requires a 30 or 60-minute wait, depending on the type of initiating system used, if a misfire occurs. Included in the regulation are two methods by which the misfire can be neutralized or the detonator and cap sensitive explosives can be removed.

Subsection (c) is proposed for repeal as its provisions are already contained in Section 5293(b)(1) through (b)(3) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Existing subsection (d) prohibits the drilling of blast holes if there is a danger of intersecting a charged hole of misfired explosives.

Subsection (d) is proposed for repeal as its provisions are contained in proposed Section 5293(d) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Existing subsection (e) prohibits any other work to take place in the area during the mitigation of a misfire and states that only the necessary crew is to be on site.

Subsection (e) is proposed for transfer to Section 5293 as new subsection (c) of the GISO to address burning, but unexploded explosive materials. This proposal will have no effect on the regulated public as it is specific to burning materials and is already required by both the MSO and the TSO [Section 8542(e)].

Section 7240. Coyote Hole Blasting.

Existing subsection (a) prohibits electric lighting circuits within a coyote hole while it is being loaded.

Existing subsection (b) requires that the ends of lead wires be shorted until ready to blast. Also, the circuits are to be tested every 10 feet if stemming is placed in the crosscuts or before each explosive charge is placed.

Existing subsection (c) requires that when detonating cord is used, a double line of cord with cross ties is to be used so the detonating wave can reach each explosive charge from 2 independent sources.

Existing subsection (d) requires coyote holes be backfilled tightly and for sufficient length to prevent a blown out shot.

Existing subsection (e) requires the blast area to be plainly marked at specific locations when being loaded with appropriate warning signs.

Subsections (a) through (e) are proposed for repeal as their provisions are already contained in Section 5294(a) through (e) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public as these provisions are contained in the GISO.

Section 7241. (6-112). Use of Safety Fuse—General.

Existing subsection (a) requires the use of safety fuse for fuse cap blasting.

Existing subsection (b) requires tests to be made to determine the average burning rate for the safety fuse. The regulation is specific in the lengths of fuse to be tested and the deviation from the average burning rate that is acceptable.

Existing subsection (c) requires a notice to be prominently posted at the work site stating the fuse burning rate.

Existing subsection (d) prohibits the use of hammered or damaged fuse.

Subsections (a) through (d) are proposed for repeal as their provisions are contained in Section 5295(a) through (d) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public as these provisions are contained in the GISO.

Section 7242. (6-108). Safety Fuse Storage.

Existing subsection (a) requires the safety fuse to be warmed slightly before being uncoiled when used in cold weather.

Existing subsection (b) prohibits safety fuse storage underground except when the storage area is dry and the relative humidity is less than 80%.

Existing subsection (c) prohibits safety fuse from being hung on anything that could cause a sharp bend to be formed in the fuse.

Existing subsection (d) requires fuse and igniters to be stored in a cool, dry place away from oil and grease.

Subsections (a) through (c) are proposed for repeal as these provisions are contained in Sections 5296(a) through (c) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

The provisions of subsection (d) are proposed for transfer into Section 5296 as proposed subsection (b) of the GISO. Section 5296 already restricts materials that may be stored with fuses, therefore, this incremental addition will have no effect on the regulated public.

Section 7243. Making Capped Fuses and Primers.

Existing subsection (a) requires that at least one inch of fuse be cut from the end of each coil before capping safety fuse to prevent damp fuse from being placed into the cap.

Existing subsection (b) requires blasting caps to be kept in their original or equivalent container except when they are used.

Existing subsection (c) requires only tools designed for that purpose be used for attaching the blasting cap to the safety fuse. The tool shall be readily accessible.

Existing subsection (d) requires the use of a waterproof ring type crimp or compound when necessary.

Existing subsection (e) prohibits the use of a half hitch to attach the capped fuse to the primer cartridge.

Existing subsection (f) requires that fuses be cut and capped in a safe, dry location posted as a no smoking area.

Included in existing Section 7243 are sketches showing recommended methods for attaching capped fuses to primer cartridges. There is a note following the sketches which gives further instructions on how the safety fuse is to lie when using the lacing method.

Subsections (a) through (e) are proposed for repeal as their provisions are contained in Section 5297(a), (b), (c), (e), and (f) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public as these provisions are already contained in the GISO.

The provisions of subsection (f) are proposed for transfer to Section 5297 as new subsection (d). The proposed action merely ensures retention in the GISO the provisions of an existing MSO that explains material storage of some greater specificity than the general storage requirements contained in the GISO and therefore, will have no effect on the regulated public.

The sketches for the Recommended Methods of Attaching Capped Fuse to Primer Cartridge and accompanying note regarding safety fuse primer are proposed for repeal as these provisions are already contained in existing Section 5297(e) of the GISO that is proposed for transfer to revised Section 5297 as a new subsection (g) with revisions that are explained in

the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Section 7244. Blasting with Safety Fuse—Hazards Blasting with Safety Fuse.

Existing Section 7244 contains a preamble describing the hazards of blasting with safety fuse.

Existing subsection (a) prohibits the igniting of safety fuse before the explosive charges are in place unless cleared by the Division.

Existing subsection (b) requires consideration be given regarding length and burning rate of fuse, condition of the escape route, and the distance to the place of safety.

Existing subsection (c) requires the safety fuse to extend at least three feet beyond the collar of the hole.

The existing "Note" to subsection (c) states that a 3-foot safety fuse will fire a shot in about 2 minutes.

Existing subsection (d) permits only a single shot when using three-foot safety fuses.

Existing subsection (e) requires at least a two-minute delay after the last fuse has been ignited before the first charge explodes.

Existing subsection (f) considers the lighting of 2 or more safety fuses in a group using an igniter cord to be the same as lighting one fuse. No one employee may light more than 12 safety fuses in succession.

Existing subsection (g) prohibits entry into a blast area after the blast for at least 2 minutes when three or more safety fuses are lighted at one time.

Existing subsection (h) requires the presence of two men when lighting safety fuses.

Existing subsection (i) permits only devices designed to ignite safety fuse to be used.

The preamble to Section 7244 is proposed for repeal as it is unnecessary and informational only and therefore, will have no effect on the regulated public.

The provisions of subsection (a) through (i), with the exception of the "Note" to subsection (c), are proposed for repeal as these provisions are contained in proposed Section 5298(a)(1), (a)(2), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9), and (a)(10) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

The "Note" to subsection (c) stating that a 3-foot safety fuse will fire a shot in about 2 minutes is proposed for transfer to Section 5298(a)(4)NOTE of the GISO. This proposed action was recommended by the advisory committee and merely ensures retention of this information in the GISO from the MSO. Therefore, this proposed action will have no effect on the regulated public as the "Note" is informational only.

Section 7250. Firing with Electricity—General.

Existing subsection (a) prohibits electric blasting operations to be done when it is known there are stray electrical currents in the area sufficient to detonate the electric blasting caps being used.

Subsection (a) is proposed for transfer to proposed Section 5299 as new subsection (a) of the GISO. This proposal will have no effect on the regulated public as there are already regulations within the GISO (i.e. Sections 5276, 5306, and 5314) that address explosive materials and areas where potential stray current may exist.

Existing subsection (b) permits the use of listed blasting devices or other means acceptable to the Division.

Subsection (b) is proposed for repeal as its provisions are contained in Section 5299(b) and therefore, will have no effect on the regulated public.

Existing subsection (c) prohibits the use of dry cell batteries for more than a single detonation. The dry cell batteries used for this purpose cannot have exposed terminals.

Subsection (c) is proposed for repeal as its provisions are contained in the proposed revisions to Section 5299(b) of the GISO that will be explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (d) permits firing with referenced devices, if the connections are as recommended by the manufacturer. When firing with a light or power circuit, the accompanying examples are to be used.

Subsection (d) is proposed for repeal as its provisions are contained in the proposed revisions to Section 5299(c) of the GISO that will be explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (e) delineates the amperage to be used to activate an explosion. In addition, subsection (e) contains a "NOTE" stating the minimum permissible amperages to be used for direct and alternating currents, series, and parallel circuits, and when igniter cord is used with electric starters.

Subsection (e) is proposed for repeal as its provisions are contained in the proposed revisions to Section 5299(d) of the GISO that are explained in the GISO and therefore, will have no effect on the regulated public.

The "NOTE" to subsection (e) is proposed for repeal as its provisions are contained in existing Section 5299(d)NOTE of the GISO that is proposed for transfer to revised Section 5299(c) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (f) requires that blasting wires be kept clear of conductive materials and features, except the earth itself.

Subsection (f) is proposed for repeal as its provisions are contained in Section 5299(e) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (g) prohibits grounding of the blasting circuit leading from the firing switch to the blast area.

Subsection (g) is proposed for repeal as its provisions are contained in Section 5299(f) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (h) prohibits the location of low-voltage electric power lines within 50 feet of loaded holes or if not possible to be moved, that they be de-energized before an electric detonator or starter is brought into the area. Where neither is possible, the area shall be checked for stray current.

Subsection (h) is proposed for repeal as its provisions are contained in Section 5299(g) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (i) requires the blasting circuit to be tested with a galvanometer before firing.

Subsection (i) is proposed for repeal as its provisions are contained in Section 5299(h) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (j) requires the circuit to remain shorted until the round is ready to test and fire.

Subsection (j) is proposed for repeal as its provisions are contained in Section 5299(i) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (k) delineates those areas where electric blasting may be used.

Subsection (k) is proposed for repeal as its provisions are contained in existing Section 5299(j) of the GISO that is proposed for transfer to revised Section 5298(a)(3) of the GISO with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Diagrams of EXAMPLES OF BLASTING CIRCUITS.

Existing Section 7250 contains a series of diagrams showing examples of blasting circuits such as a diagram for series blasting, a diagram for parallel blasting, and a diagram for parallel-series blasting.

These series of diagrams are proposed for repeal as these examples of blasting circuits are contained in Section 5299 of the GISO and therefore, will have no effect on the regulated public.

Section 7251. Firing Switches.

Existing subsection (a) requires that the firing switch conform to a list of six minimum requirements, addressing such things as exterior operation, that it is of double pole construction, short circuiting capabilities, minimum voltage ratings, mounting requirements, and where the leading and power line wires are to be attached.

Existing subsection (b) requires when firing by a light or power circuit, an air gap of at least 5 feet for underground operations and at least 15 feet for surface operations shall be provided except when firing. It further states how the air gap is to be established.

Subsections (a) and (b) are proposed for repeal as their provisions are already contained in Section 5300(a) and (b) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

Section 7252. Auxiliary Switches.

Existing subsection (a) requires one or more auxiliary switch at the beginning of each branch circuit of the permanent leading wires.

Existing subsection (b) requires the auxiliary switch(es) to be as described in Section 7251 except that they need not be fused.

Subsections (a) and (b) are proposed for repeal as their provisions are already contained in Section 5301(a) and (b) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

Section 7253. Permanent and Temporary Leading Wires.

Existing subsection (a) requires all leading wires to be of copper or aluminum of a specified type and number.

Existing subsection (b) requires permanent leading wires to be installed in conduit or strung on insulators, kept at least 5 inches apart.

Existing subsection (c) requires the conductor used to close the air gap to be "S" cable or equivalent.

Existing subsection (d) is specific to the capacity and wire gage to be used for the leading wires.

Existing subsection (e) requires that all splice be insulated and intrinsically safe.

Included in existing Section 7253 are two diagrams for recommended power firing systems for series and parallel series firing, one with and one without a circuit interrupter.

Subsections (a) through (e) and the two diagrams are proposed for repeal as their provisions are contained in Section 5302(a) through (e) and the two diagrams of Section 5302 of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

Section 7254. Blasting Procedure with Power and Light Circuits.

Existing subsection (a) requires that the keys for auxiliary and firing switches be under the control of the licensed blaster.

Subsection (a) is proposed for repeal as its provisions are contained in existing Section 5304 (a) of the GISO that is proposed for transfer to Section 5299 as new subsection (k) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (b) requires that the auxiliary switch is in the "off" position, the air gap is open, the short circuiting device is in place, and the firing switch is locked in the "off" position before connecting the leading wires to the leg wires.

Subsection (b) is proposed for repeal as its provisions are already contained in Section 5304(a) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (c) requires that temporary leading wires be tested prior to attaching to the leg wires for the presence of stray electric current with an instrument designed for that purpose. The stray current, if detected, is to be eliminated before attachment is made.

Subsection (c) is proposed for repeal as its provisions are already contained in Section 5304(c) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (d) requires all persons to leave the blast area to a safe location before connecting the leading wires.

Subsection (d) is proposed for repeal as its provisions are already contained in Section 5304(d) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (e) indicates when the area is clear of all persons, the person responsible for firing may prepare the switch for firing.

Subsection (e) is proposed for repeal as its provisions are already contained in Section 5304(e) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (f) prohibits reentry into underground blast areas for at least 15 minutes after primary blasting.

Subsection (f) is proposed for repeal as its provisions are contained in existing Section 5304(f) of the GISO that is proposed for transfer to Section 5291(k) of the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (g) requires post-blast locking of all switches in the "off" position and the leading wires be disconnected from the power source.

Subsection (g) is proposed for repeal as its provisions are contained in existing Section 5304(g) of the GISO that is proposed for transfer to proposed Section 5304(f) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (h) requires that in the event of a shot failure, the firing switch is locked in the "off" position; the air gap is opened; and the blaster waits at least 30 minutes before proceeding to the auxiliary switch, locking it in the "off" position, and entering the blast area.

Subsection (h) is proposed for repeal as its provisions are contained Section 5304(g) of the GISO and therefore, will have no effect on the regulated public.

Section 7255. Blasting with Batteries, Blasting Devices, and Blasting Machines.

Existing subsection (a) requires the batteries and accessories for blasting operations be assembled in one unit. The units are to be acceptable to the Division and have no exposed live terminals. Also included in existing subsection (a) is a "NOTE" stating that the Division may accept battery blasting devices approved by the listed institutions.

Existing subsection (b) requires that the blaster be in charge of the blasting machine and equipment. Only the blaster will connect the leading wires to the battery housing.

Existing subsection (c) prohibits the leading wires to be connected to the blasting machine or battery until all necessary steps and safeguards have been done.

Existing subsection (d) requires the blaster to reverse the connecting process immediately after firing the round.

Subsections (a) through (d) are proposed for repeal as their provisions are contained in Section 5299(b) and Section 5305(a) through (c) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public. The "NOTE" to subsection (a) is proposed for repeal as it is informational only and states the Division "may" accept battery-blasting devices approved by recognized institutions. This proposal will have no effect on the regulated public as it is permissive.

Section 7256. Electric Blasting in Proximity with Radio Transmitters.

Existing subsection (a) requires that a sign with a specific legend, with 4 inch lettering, and 5/8 inch stroke on a contrasting background be displayed prior

to installation of electric sensitive devices. A “NOTE” to existing subsection (a) is included referencing the USDOT for specific sign requirements.

Existing subsection (b) requires signs to be posted approximately 1,000 feet from the blasting area on all public access.

Existing subsection (c) contains 5 tables with minimum distances that an operating mobile or fixed radio, television, or radar transmitter may be located from electric blasting operations.

Also included in Section 7256 is information on the recommended tables of distances. Subsections (a) through (c) and the accompanying tables are proposed for repeal as their provisions are contained in existing Section 5306(a) through (c) and Tables 1 through 5 of the GISO, respectively. In addition, the information on the recommended tables of distances is proposed for repeal as it is contained in Section 5306 as a proposed “NOTE” of the GISO. Therefore, these proposals will have no effect on the regulated public.

Article 54. Mixing Blasting Agents.

Section 7260. General.

Existing Section 7260 requires that blasting agents be transported, stored, and used in the same manner as explosive unless otherwise set forth in these orders. Water gels are to be treated in the same manner in accordance with the classification of the product.

Section 7260 is proposed for repeal as its provisions are already contained in Section 5340(a) and (b) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

Section 7261. Mixing of Blasting Agents—Location.

Existing subsection (a) requires that buildings, facilities, or mobile equipment used for mixing blasting agents are to be located in accordance with the Quantity and Distance Table in Section 7211, except for mobile equipment during loading operations.

Existing subsection (b) requires that when ammonium nitrate is stored at a closer distance to blasting agents than recommended by NFPA 495, 1969 Edition, then ½ the ammonium nitrate weight shall be added to the quantity of blasting agents for calculating purposes.

Existing subsection (c) requires ammonium nitrate fertilizer to be stored in compliance with NFPA 490-1960, and liquid oxidizers are to be stored to prevent contamination of blasting agents or fuels.

Subsections (a) through (c) are proposed for repeal as their provisions are contained in the proposed revisions to Section 5341(a) through (c) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

Section 7262. Buildings.

Existing Section 7262 contains a preamble that incorporates by reference Title 24 regulations. The

following regulations relate to safe construction work practices that no longer exist in Title 24 and therefore, this preamble is unnecessary and proposed for repeal. This proposal will have no effect on the regulated public.

Existing subsection (a) requires that buildings constructed after May 21, 1971 be of noncombustible construction or of sheet metal on wooden studs.

Subsection (a) is proposed for repeal as its provisions are already contained in Section 5342(a) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (b) states the Division may require explosion venting if “heavy construction is used.”

Subsection (b) is proposed for repeal as its provision is contained in existing Section 5342(b) of the GISO that is also proposed for repeal. The inclusion of the word “may” is conditional and therefore, makes this provision vague and unenforceable. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (c) requires a physical separation between the finished product storage area and the mixing and packaging operation.

Subsection (c) is proposed for repeal as its provisions are contained in Section 5342(b) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (d) requires the storage area floors to be made of concrete or other noncombustible material.

Subsection (d) is proposed for repeal as its provisions are contained in Section 5342(c) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (e) requires that fuel oil be stored outside the mix building and away from the oxidizer area. The fuel shut off shall be at the tank.

Subsection (e) is proposed for repeal as its provisions are contained in Section 5342(e) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (f) requires the building to be well ventilated and references Pamphlet No. 1 published by the Institute of Makers of Explosives, 1965 Edition, as evidence of good practice.

The provision requiring the building to be well ventilated is proposed for repeal as this requirement duplicates the requirement of Section 5342(f) of the GISO and therefore, will have no effect on the regulated public. The reference to Pamphlet No. 1 by the Institute of Makers of Explosives, 1965 Edition, as evidence of good practice is proposed for transfer to Section 5342(f) of the GISO as a proposed “NOTE”

with reference to an updated version. This proposal will have no effect on the regulated public as it merely relocates information from the MSO to the GISO.

Existing subsection (g) requires that heat be provided from a unit located outside the building or by electric heat at a safe distance from combustible material.

Subsection (g) is proposed for repeal as its provisions are already contained in Section 5342(g) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (h) requires that personnel limits be established, posted, and enforced while mixing operations are underway.

Subsection (h) is proposed for repeal as its provisions are already contained in Section 5342(h) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (i) requires that blasting agents and fuels be removed from the mix house before major or open flame repairs are made.

Subsection (i) is proposed for repeal as its provisions are contained in Section 5342(i) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Section 7263. Mix Room Equipment.

Existing subsection (a) requires that the mixer be designed to minimize the possibility of friction, heating, compaction, and confinement.

Subsection (a) is proposed for repeal as its provisions are contained in Section 5344(a) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (b) requires that bearings and gears be mounted on the outside of the machine and protected from the accumulation of dust.

Subsection (b) is proposed for repeal as its provisions are contained in Section 5344(b) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (c) requires all surfaces be accessible for cleaning.

Subsection (c) is proposed for repeal as its provisions are already contained in Section 5344(c) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (d) requires the equipment be constructed of materials compatible with blasting agents.

Subsection (d) is proposed for repeal as its provisions are already contained in Section 5344(d) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (e) prohibits the use of equipment that could overheat the blasting agent or create excessive static electricity.

Subsection (e) is proposed for repeal as its provisions are contained in existing Section 5344(e) of the GISO that is proposed for transfer to revised Section 5344(a). Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (f) requires all electrical equipment to comply with the Electrical Safety Orders.

Subsection (f) is proposed for repeal as its provisions are contained in Section 5344(e) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (g) requires a water deluge system in the mixing and storage areas, and prohibits floor drains into which molten materials could flow and be confined in the event of a fire. Floors and equipment are to be washed down frequently to prevent an accumulation of oxidizers or fuels and other sensitizers. Additionally, the entire mixing and packaging plant is to be washed down periodically.

Subsection (g) is proposed for repeal as its provisions are contained in Section 5344(f) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (h) prohibits any ignition source within 50 feet of any mixing building or facility used for mixing.

Subsection (h) is proposed for repeal as its provisions are contained in Section 5344(g) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (i) requires empty oxidizer bags to be disposed of in a safe manner.

Subsection (i) is proposed for repeal as its provisions are already contained in Section 5344(h) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (j) states that not more than 4 hours production of blasting agents or the limit determined by the quantity and distance table, whichever is less, shall be permitted in or near mixing and packaging areas.

Subsection (j) is proposed for repeal as its provisions are contained in Section 5344(i) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Section 7264. Composition.

Existing subsection (a) requires that the sensitivity of a blasting agent be determined by the use of a No. 8 test blasting cap and after every change in formulation or as may be required by the Division.

Existing subsection (b) requires the supervision by a competent person when formulating unusual compositions. The Division may require stability tests by a recognized authority to determine safety of the mix.

Existing subsection (c) prohibits the use of a hydrocarbon liquid fuel with a flash point lower than that of No. 2 diesel fuel oil, or 110 degrees Fahrenheit minimum.

Existing subsection (d) prohibits the use of crank-case or crude oils as an ingredient.

Existing subsection (e) requires solid fuels to be handled in a manner to minimize dust explosion hazards.

Existing subsection (f) prohibits the use of powdered ammonium nitrate, high explosives, smokeless propellant, peroxides, chlorates, or perchlorates unless accepted by the Division.

Existing subsection (g) requires the ingredients to be measured to ensure quality control.

Subsections (a) through (f) are proposed for repeal as their provisions are contained in the Section 5345(a), (e) EXCEPTION, (b), (c), (d), and (e) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public as it is already industry practice to measure or proportion materials to obtain the proper mixture of ingredients for the desired effect.

Subsection (g) is proposed for transfer to Section 5345 as new subsection (f) of the GISO. This proposed action will have no effect on the regulated public as it merely maintains an existing MSO regulation in the GISO, thereby ensuring continuity.

Section 7265. Blasting Agent Storage.

Existing subsection (a) requires that blasting agents are stored as set forth in Article 51 with the exception that buildings need not be bullet resistant.

Subsection (a) is proposed for repeal as its provisions are contained in Section 5346(a) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (b) permits the use of on the highway haulage vehicles to be used for temporary blasting agent materials storage. They are to be located in compliance with Article 51 and secured against theft in a manner acceptable to the Division.

Subsection (b) is proposed for repeal. These same provisions are contained in existing Section 5346(c) of the GISO that references back to Article 114, Storage of Explosives and is also proposed for repeal. The provisions of subsection (b) are contained in proposed new Section 5253.1(b), (d), and (e), Article 114 of the GISO that was also transferred from Section 1562(a)–(g) of the CSO. Proposed new Section 5253.1 of the GISO contains the requirements for the construction and use of magazines. Therefore, this proposal will have no effect on the regulated public.

Existing subsection (c) requires the storage facility to be labeled on four sides with a warning sign and specific legend, letter size, and sign color.

Subsection (c) is proposed for repeal as its provisions are contained in Section 5346(b) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (d) permits the storage of blasting agents and blasting agent slurries in noncombustible bins provided they comply with the storage requirements of Article 51. All openings are to be locked except during use and the containers will be constructed of materials compatible with the stored blasting agents.

Subsection (d) is proposed for repeal as its provisions are contained in Section 5346(c) of the GISO and therefore, will have no effect on the regulated public.

Section 7266. Transportation of Blasting Agents.

Existing subsection (a) requires blasting agents to be transported in compliance with Article 52.

Existing subsection (b) permits the transportation of bulk blasting agents and water gels in hopper trucks provided that the pump or conveyor, including electrical equipment, is equivalent to on-site mix trucks.

Existing subsection (c) requires the trailer or truck be posted with warning signs on all four sides reading “EXPLOSIVES” with specific colors and sized letters.

Subsections (a) through (c) are proposed for repeal as their provisions are contained in Section 5347(a) through (c) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

Section 7267. On-Site Mixed Water Gels and Blasting Agents.

Existing subsection (a) requires that the composition of field mixed blasting agents and water gels meet the requirements of Section 7264.

Subsection (a) is proposed for repeal as its provisions are already contained in Section 5348(a) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (b) requires that liquid fuels be stored in separate tanks with shut off valves. Also, solid fuels shall be stored in separate containers until mixed.

Subsection (b) is proposed for repeal as its provisions are already contained in Section 5348(b) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (c) requires ingredients that are classified as Class A or Class B explosives are to be stored as required by Article 51.

Subsection (c) is proposed for repeal as its provisions are contained in Section 5348(c) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (d) requires prilled, grained or granulated ammonium nitrate to be stored in accordance with 1969 NFPA 490, Code for the storage of ammonium nitrate.

Subsection (d) is proposed for repeal as its provisions are contained in existing Section 5348(d) of the GISO that is proposed for repeal and is also contained in Section 5359(c) of the GISO. This proposal will have no effect on the regulated public as its provisions are already contained in Section 5359(c) of the GISO.

Existing subsection (e) requires that liquid ammonium nitrate be store in mobile or permanent tanks in a safe location acceptable to the Division. Spills or leaks that may contaminate combustible materials shall be cleaned up immediately.

Subsection (e) is proposed for repeal as its provisions are contained in Section 5348(d) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (f) requires mixing equipment to comply with this section. This subsection contains five subparts [subsections (f)(1) through (5)] which address requirements for an outside power source; conformance with Title 24, Part 3, California Electrical Code; bonding; minimizing friction heating compaction and dust protection; and mixing machine and transfer equipment compatible with the blasting agent(s) being mixed.

Subsections (f) and (f)(1) through (5) are proposed for repeal as these provisions are contained in Section 5348(e) and (e)(1) through (5) of the GISO, respectively, and therefore, will have no effect on the regulated public.

Existing subsection (g) prohibits the use of pumps or conveyors that could overheat the blasting agents.

Subsection (g) is proposed for repeal as its provisions are contained in existing Section 5348(g) of the GISO that is proposed for transfer to revised Section 5348(e)(4) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (h) prohibits pulverizing or crushing sensitized blasting agents.

Subsection (h) is proposed for repeal as its provisions are already contained in Section 5348(f) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (i) requires that each mixer unit be equipped with an operable, UL approved 4 BC or equivalent fire extinguisher.

Subsection (i) is proposed for repeal as its provisions are contained in Section 5348(g) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (j) requires that all unused explosives be returned to the magazine or designated storage area upon completion of the loading operations.

Subsection (j) is proposed for repeal as its provisions are already contained in Section 5276(e) of the GISO, the general regulations for blasting operations and Section 5348(h) of the GISO, regulations specific to blasting agents, and therefore, will have no effect on the regulated public.

Existing subsection (k) requires the mixing unit to be signed in a specific manner.

Subsection (k) is proposed for repeal as its provisions are contained in Section 5348(i) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (l) prohibits repairs using a flame producing device to be made on the mixer until the blasting agents and water gels have been removed.

Subsection (l) is proposed for repeal as its provisions are contained in Section 5348(j)(1) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (m) requires the unit to be cleaned frequently and before open flame work is accomplished.

Subsection (m) is proposed for repeal as its provisions are contained in Section 5348(k) of the GISO and therefore, will have no effect on the regulated public.

Article 55. Licensing of Blasters.

Section 7275. Competency of Blasters.

Existing subsection (a) requires a licensed blaster for blasting operations within the scope of these orders.

Subsection (a) is proposed for transfer to Section 5238(a) of the GISO. This proposal will have no effect on the regulated public as Labor Code, Section 7990 and the California Occupational Safety and Health Regulations, Section 344.20, already require the issuance of a blaster's license.

Existing subsection (b) requires a competent person having a current and valid California blaster's license to be physically present where the blasting operations are taking place. Also, the licensed blaster is to direct and supervise the operation. The regulation then provides examples of blasting operations.

The portion of subsection (b) referring to the licensed blaster and the use of explosives to be under the supervision of a licensed blaster is proposed for transfer to Section 5238(a) of the GISO. This proposal

ensures retention of the existing MSO regulation within the GISO and therefore, will have no effect on the regulated public. In addition, Labor Code, Section 7990 limits the use of explosives to persons licensed by the Division.

The latter portion of subsection (b) referring to the various types of blasting operations is proposed for transfer to Section 5237, the definition section of the GISO, under the term "Blasting Operation". This proposal ensures retention of the definition of the "blasting operation" within the GISO and therefore, will have no effect on the regulated public.

Existing subsection (c) permits a reasonable number of persons at least 18 years old to work under the direct supervision of the licensed blaster for the purpose of obtaining the necessary experience to qualify for a Blaster's License.

Subsection (c) is proposed for transfer to Section 5238(c)NOTE and Section 5276(g)EXCEPTION of the GISO. This proposal will have no effect on the regulated public as Section 5238 already permits persons 18 years or older to work under the supervision of a competent person, who, as defined by Sections 5237 and 3207, is to be licensed.

Section 7276. Blaster's License—Qualifications.

Existing Section 7276 states every person requesting a blaster's license shall meet the specified criteria.

This statement is proposed for transfer to Section 5238(f) of the GISO. This proposal will have no effect on the regulated public as it merely directs the reader to listed requirements.

Existing subsection (a) requires the applicant to be at least 21 years old.

Subsection (a) is proposed for transfer to Section 5238(f)(1) of the GISO. This proposal will have no effect on the regulated public as existing Section 5238(b) of the GISO already is specific that the person in charge is to be at least 21 years of age.

Existing subsection (b) requires the applicant to be able to understand and communicate understandably.

Subsection (b) is proposed for transfer to Section 5238(c) of the GISO. This proposal will have no effect on the regulated public as it merely expands on Section 3203(a)(3), the requirement for an injury and illness prevention program, by which all affected employees are to be communicated with in a manner that is readily understandable to the employees.

Existing subsection (c) requires the applicant to furnish proof of being proficient in the knowledge and use of explosives and ancillary equipment or furnish proof of at least three years of experience as an assistant to a licensed blaster.

Subsection (c) is proposed for transfer to Section 5238(d)(1) and (f)(2). This proposal will have no effect on the regulated public as California Occupational Safety and Health Regulation, Section 344.20,

already contain similar requirements stating that the applicant must furnish proof of experience.

Existing subsection (d) requires the applicant to be of good moral character and physical condition as to not interfere with the performance of the duties and ability to direct/conduct blasting operations.

Subsection (d) is proposed for transfer to Section 5238(b), except for the language of the regulation that states the applicant must be of good moral character. This proposal will have no effect on the regulated public as it merely incrementally expands on the California Occupational Safety and Health Regulations, Section 344.22, in which the Division may revoke a license based on the competency of the blaster. The provision that states the applicant must be of good moral character is proposed for repeal as it is undefined as to what is considered "good moral character" and therefore, this provision is vague. This proposal will have no effect on the regulated public.

Section 7277. Blaster's License—Application and Examination.

Existing subsection (a) requires a completed application form to be submitted to the Division.

Existing subsection (b) requires the Division to evaluate the application based on the information given.

Existing subsection (c) requires the applicant to pass a written and oral examination that relates to the license classification requested. A field test may be considered necessary.

Existing subsection (d) contains the class, category, and description of the applicable classifications.

Existing subsection (e) permits the Division to place limitations on the blaster's license.

Existing subsection (f) prohibits transferring the blaster's license.

Subsections (a) through (f) are proposed for repeal as the provisions of these regulations are contained in Section 344.20(a) through (f) of the California Occupational Safety and Health Regulations, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 7278. Expiration and Renewal.

Existing subsection (a) states the blaster's license is valid for a period of 5 years with renewal privileges.

Existing subsection (b) requires the renewal application to be administered in the same manner as an original blaster's license. The examination is required every five years.

Subsections (a) and (b) are proposed for repeal as the provisions of these regulations are already contained in Section 344.21(a) and (b) of the Occupational Safety and Health Regulations, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 7279. Custody of Blaster's License.

Existing subsection (a) requires that the blaster's license be presented by the blaster to the employer as evidence of qualifications.

Existing subsection (b) requires the blaster to display the blaster's license upon request for inspection by the Division or other enforcement officials.

Subsections (a) and (b) are proposed for transfer to Section 5238(a) and (e) of the GISO, respectively. This proposal will have no effect on the regulated public as it merely expresses the employer's responsibilities under the Cal/OSHA Act to ensure the appropriate Labor Code and Title 8 requirements are being met. Further, the Division and other enforcement agencies have the authority to request that a license be displayed upon request.

Section 7280. Blasting Accident Reports and Procedures.

Existing Section 7280 contains reporting requirements for employers should there be a blasting accident or unusual occurrence affecting the safety of employees in which explosives are involved.

Existing subsection (a) requires that the Division be notified within 24 hours of the incident.

Existing subsection (b) requires that the report identifies the blasters involved and the employees injured. The type of explosives and method of initiation are to be identified. An account of the incident shall be prepared.

Existing subsection (c) states that if a serious injury occurs, then the blasting operation will be discontinued until the Division has completed its investigation or authorized the resumption of work.

Existing subsection (d) requires the employer to notify the Division if the holder of the blaster's license is guilty of a breach of the provisions of this Article.

Existing subsection (e) prohibits the employer to direct the blaster to perform a blasting operation that violates a Title 8 regulation.

Subsections (a) through (c) are proposed for transfer to new Section 5248(a) through (c) of the GISO, respectively. This proposal will have no effect on the regulated public as all incidents and blasting accidents are currently required to be reported to the Division under the CSO, MSO, and TSO. Additionally, the local authorities having jurisdiction are to be informed (i.e. State Fire Marshal, Sheriff's Department, etc.)

Subsections (d) and (e) are proposed for repeal. The provisions of subsections (d) and (e) are already required by Labor Code, Section 6403 and Section 3203 of the GISO, and therefore, this proposed action will have no effect on the regulated public.

Section 7281. Suspension—Blaster's License.

Existing subsection (a) gives reasons for which the Division may suspend a blaster's license. Grounds for suspension may include questions of competency or violations of Title 8 regulations.

Existing subsection (b) requires a notice be given and a hearing held before suspending or revoking a license.

Existing subsection (c) states that should the blaster's license be suspended or revoked, the individual is prohibited from applying for a new license for a period of six months.

Subsection (a) through (c) are proposed for repeal as these provisions are already contained in Section 344.22(a) through (c) of the California Occupational Safety and Health Regulations, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 7282. Labor Code Excerpts.

Existing Section 7282 refers to Appendix "A".

This information is proposed for repeal as it references an appendix in the Mine Safety Orders that is proposed for repeal. Therefore, this proposal will have no effect on the regulated public.

Section 7283. Blaster's License Fees.

Existing Section 7283 directs the reader to Chapter 3.2, Group 2, Title 8, California Administrative Code, which are the Occupational Safety and Health Regulations, adopted and enforced by the Division. The paragraph also states that the blaster's license fees are reprinted in Appendix B of these orders.

This section is proposed for repeal as it is informational only and directs the regulated public to reprints and therefore, is not a regulation. Also, this section is proposed for repeal as this information is already contained in Labor Code, Section 7991. Therefore, this proposed action will have no effect on the regulated public.

Appendix A. Excerpts from the Labor Code.

As stated in the title, existing Appendix A contains excerpts from the Labor Code. These excerpts address license suspension, the ramifications that could occur if the blaster is convicted of violating the safety orders involving the use or handling of explosives in which an accident occurred causing serious injury or death, and the possibility of having the blaster's license permanently revoked.

This Appendix is proposed for repeal. The Appendix merely reiterates the Labor Code, Sections 7993, 7994, and 7995 and therefore, is duplicative and unnecessary. Therefore, the proposed action will have no effect on the regulated public.

Appendix B. Blaster's License Fees.

Existing Appendix B contains a "NOTE" which states where the information for blaster's license fees may be found. This Appendix then states what the fee is and at what types of locations the license is necessary. Also included is the fee for license renewal.

This Appendix is proposed for repeal. The Appendix merely iterates the California Occupational Safety and Health Regulations that pertains to the Division of Occupational Safety and Health and therefore, is duplicative and unnecessary. Therefore, the proposed action will have no effect on the regulated public.

Subchapter 20. Tunnel Safety Orders.

It is proposed to repeal or transfer all the Tunnel Safety Orders (TSO) explosive regulations to Group 18 of the General Industry Safety Orders (GISO). Those regulations that duplicate regulations already in the GISO are proposed for repeal. Those regulations that are unique to the tunnel industry and are not contained in the GISO are proposed for transfer into the appropriate section of the GISO. Therefore, the repeal or transfer of the tunnel explosive regulations will have no effect on the regulated public other than to eliminate duplicative or obsolete requirements, or to retain a formally industry specific regulation within the proposed reorganized explosive regulations. The final result of this proposal will be only one set of explosive regulations for the employer to refer to, as the explosives regulations will be located into one location in the GISO, making it more convenient for the user.

Article 2. Definitions.

Section 8405. Definitions.

Existing Section 8405 contains definitions of terms used within the TSO regulations to ensure the devices and/or processes addressed within the regulations are clearly defined and understood.

The existing introductory language states that the following definitions shall apply in the application of these orders. It also states that the singular number, whenever used herein, also means and includes the plural number, unless the context otherwise requires. In addition, it states that the masculine gender, whenever used herein, also means and includes the feminine gender, unless the context otherwise requires.

It is proposed to delete the latter part of this introductory language that states the singular number, whenever used herein, also means and includes the plural number, unless the context otherwise requires and the masculine gender, whenever used herein, also means and includes the feminine gender, unless the context otherwise requires. This proposal will have no effect on the regulated public as this language is obsolete and therefore, no longer applicable.

It is proposed to repeal, transfer, and transfer and editorially revise some of the definitions of Section 8405 to Section 5237 of the GISO, the definition section. The definitions that are proposed for repeal either already exist in the GISO and therefore, eliminate duplicative definitions or reflect obsolete industry practices, technology, terminology, or classification of materials and therefore, are no longer necessary. The definitions that are proposed for transfer to the GISO are either transferred verbatim or transferred and editorially revised for clarity to reflect changing industry practices, technology, terminology, or classification of materials.

The following definitions are proposed for **repeal**: ANFO; Barricaded-Artificial; Barricade-Natural; Barricaded; Blaster; Blast Area; Blasting Accessories; Blasting Agent; Blasting Cap (the term "Blasting Cap" already exists in the GISO; however, the definition is proposed for transfer under the term "Detonator"); Blasting Circuit; Blasting Machine; Blasting Mat; Blasting Operation; Blasting Shelter; Bullet Resistant; Cap Crimper; Cap Fuse; Chlorate Explosives (the term "Chlorate Explosives" already exists in the GISO; however, the definition is proposed for transfer under the term "Explosive Materials" as "Explosives, Chlorate"); Connecting Wires; Coyote Hole; Detonating Cord; Detonator; DOD; DOT (the abbreviation "DOT" already exists in the GISO; however, the abbreviation is proposed for transfer under the abbreviation "USDOT"); Electric Blasting Cap (the term "Electric Blasting Cap" already exists in the GISO; however, the term is proposed for transfer under the term "Detonator"); Explosives; Explosives, Class A (obsolete classification); Explosives, Class B (obsolete classification); Explosives, Class C (obsolete classification); Fuse, Safety; Igniter Cord; Inhibited Building; Leading Wires; Misfire; Missed Hole; Nitro-Carbo-Nitrate (obsolete terminology); Powder (obsolete terminology); Primary Blasting; Primer; Safety Fuse; Secondary Blasting; Slurry Explosives; Springing; Squib Electric; Stemming (the term "Stemming" is already exists in the GISO as "Stemming Material" with editorial revisions); and, Water Gels, Slurry Explosives and (A) and (B).

The following definitions are proposed for **transfer** to Section 5237 of the GISO: Connecting Wires; Loading Hose (editorially revised for clarity); Loading Line (editorially revised for clarity); Loading Tube (editorially revised for clarity); Mudcapping; Permanent Leading Wires [transferred to the GISO and editorially revised for clarity under the term "Permanent Blasting (Leading) Wires"]; and, Static Dissipating (editorially revised for clarity).

Article 20. Explosives.

The heading "GENERAL" is proposed for repeal as it is no longer applicable as a result of this proposal and therefore, will have no effect on the regulated public.

Section 8505. Minors.

Existing subsections (a) and (b) prohibit any person under the age of 18 to be involved with any activity relating to the storage, use, handling, storage, and transportation of explosive materials. Any person between the age of 18 and 21 may be involved in any activity relating to the storage, use, handling, transportation of explosive materials provided they are under the direct personal supervision of a competent person.

Subsections (a) and (b) are proposed for repeal as these provisions are contained in existing Section 5238(a) and (b), respectively, of the GISO that is proposed for transfer to Section 5276(g) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Section 8506. Training.

Existing Section 8506 requires that all persons involved with detonators or explosives be trained in the hazards of the job. Trainees are to be under the direct supervision of a competent person.

Section 8506 is proposed for repeal as its provisions are already contained in Section 5239 of the GISO and therefore, will have no effect on the regulated public.

Section 8507. Deteriorated Explosives.

Existing Section 8507 requires explosives unfit for use to be destroyed in a safe place by a competent person as set forth by the US Bureau of Mines and the Institute of Makers of Explosives or other recognized authority. Explosives are never to be buried or covered as means of disposal.

Section 8507 is proposed for repeal as its provisions are already contained in Section 5240(a) of the GISO and therefore, this proposed action will have no effect on the regulated public.

Section 8508. Explosives for Blasting.

Existing subsection (a) prohibits the use of chlorate explosives for blasting operations.

Existing subsections (b) and (c) also require that explosives are to be of a type that will not freeze at any temperature that may be reasonably expected, and that advice is to be obtained from the explosive manufacturer before using or attempting to thaw frozen explosives.

Subsections (a) and (b) are proposed for repeal as their provisions are contained in Section 5241(a) and (b) of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Subsection (c) is proposed for repeal as its provisions are permissive in nature and therefore will have no effect on the regulated public. Also, the provisions of subsection (c) are contained in existing Section 5241(c) of the GISO that is proposed for repeal. Therefore, this proposal to repeal subsection (c) will have no effect on the regulated public. Proposed Section 5240(a) of the GISO will address the use of frozen explosives.

Section 8509. Water Gels.

Existing subsection (a) requires that water gels containing explosive be manufactured, transported, stored and used as specified in this Article.

Existing subsection (b) requires that water gels without explosives but are cap sensitive as defined under "Blasting Agent" shall also be classified and manufactured, transported, stored, and used as specified for explosives in this Article.

Existing subsection (c) requires that water gels which are not cap sensitive as defined by "Blasting Agent" are to be classified as blasting agents and manufactured, transported, stored, and used as blasting agents as specified in this Article.

Subsection (a) is proposed for repeal as its provisions duplicate the requirements of proposed Section 5242(a) of the GISO.

Subsection (b) is proposed for repeal as its provisions are currently contained in existing Section 5242(b) that is proposed for repeal and transferred into proposed Section 5242(a).

Subsection (c) is proposed for repeal as its provisions duplicate the requirements of proposed Section 5242(b) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Section 8510. Explosives for Underground Use.

Existing Section 8510 requires explosive to underground use to meet specific criteria determined by delineated tests using a standard cartridge in a Bichel Gauge. These tests are to be conducted using the standard procedure of the U.S. Bureau of Mines. Only Fume Class 1 explosives are to be used underground and the fume class is to be clearly marked on the case in letters of a minimum height. The regulation permits the use of permissible explosives under specified conditions and locations. It further states that only plant mixed blasting agents where composition control is assured is permitted for use underground and the use of black powder for blasting operations is prohibited underground.

Section 8510 is proposed for repeal as the provisions of subsections (a)–(f) are contained in Section 5244(a); the provisions of subsection (g) are contained in Section 5244(b); the provisions of subsection (h) and the NOTE are contained in Section 5244(d) and (d)NOTE; the provisions of subsection (i)

are contained in Section 5244(f); and the provisions of subsection (j) are contained in Section 5243(a)(8) of the GISO. Therefore, this proposed action will have no effect on the regulated public.

Section 8511. Electric Detonation of Explosives During Lightning and Dust Storms.

Existing subsection (a) requires that all blasting operations using electric caps or static sensitive explosives shall be stopped when there is a lightning storm.

Existing subsection (b) requires that when there is an approaching dust storm capable of producing sufficient static electricity to detonate an electric blasting cap, all operations are to be halted. In both cases, all persons shall be withdrawn to a safe location.

Existing subsection (c) states that instrumentation to determine the presence of static electricity within 15 miles of the portal and a means to signal the heading is required.

Subsection (a) is proposed for repeal as its provisions are contained in proposed Section 5245(a) of the GISO and therefore, this proposed action will have no effect on the regulated public.

Subsection (b) is proposed for repeal as its provisions are contained in existing Section 5245(b) that is proposed for transfer to proposed Section 5245(a) of the GISO and therefore, this proposal will have no effect on the regulated public.

A portion of subsection (c) pertaining to instrumentation to determine the presence of static electricity is proposed for repeal as this provision is already contained in existing Section 5245(c) of the GISO that is to be incorporated into proposed Section 5245(c) and therefore, will have no effect on the regulated public. The other portion of subsection (c) specifying that within 15 miles of the portal, a means to signal the heading shall be provided is proposed for transfer to proposed Section 5245(c) of the GISO. This proposal merely ensures retention of the existing TSO regulation within the GISO and applies only to tunnel operations and therefore, will have no effect on the regulated public.

Section 8512. Smoking and Open Flames.

Existing Section 8512 prohibits smoking and open flames within 50 feet of explosive material in the open except where permitted by these orders.

Section 8512 is proposed for repeal as its provisions are already contained in Section 5246 of the GISO and therefore, this proposed action will have no effect on the regulated public.

Section 8513. Transferring Explosives.

Existing subsection (a) prohibits the lowering or hoisting of powder and primers or detonators together in the same cage, skip, or bucket, unless in a powder car. Explosives are not to be lowered or hoisted in

these conveyances with other materials, supplies or equipment. There will be no temporary storage or stacking at the shaft or collar.

Existing subsection (b) states that reasonable precautions are to be taken to prevent unauthorized access.

The first provision of subsection (a) is proposed for transfer to proposed Section 5265 as new subsection (e) of the GISO (a specific requirement for hoisting and lowering operations) and a similar provision is already contained in Section 5264(c) of the GISO (a general requirement for underground operations). This proposal will have no effect on the regulated public as this proposed action merely clarifies the intent of the existing requirements.

The second provision of subsection (a) is proposed for repeal as a similar provision is contained in Section 5264(e) of the GISO and the fourth provision of subsection (a) is proposed for repeal as a similar provision is contained in Section 5264(a) of the GISO. Therefore, this proposal to repeal these provisions will have no effect on the regulated public as these similar provisions are already contained in the GISO.

The third provision of subsection (a) is proposed for transfer to proposed Section 5262 as new subsection (r) of the GISO. This proposal will have no effect on the regulated public as it merely provides specificity to the general requirements that are already within the GISO.

Subsection (b) is proposed for repeal as a similar provision is contained in Section 5262(q) of the GISO and therefore, this proposal will have no effect on the regulated public.

Article 21. Storage of Explosives.

Section 8514. Storage General Requirements.

Existing Section 8514 contains the general requirements for the storage of explosives. The regulations require that all explosives are to be stored in a first or second-class magazine except when being transported. The regulation also specifies that any quantity of explosives over 100 pounds is to be stored in a first-class magazine. An exception to this requirement is permitted for small arms ammunition and Class C explosives such as explosive power packs in the form of explosive cartridges or explosive-charged construction devices, explosive rivets and like devices. Any quantity of these devices over 50 pounds is to be stored in a magazine. The regulation prohibits the storing of blasting caps with explosives or blasting agents; contains prohibitions regarding detonating cord; requires maintaining a specified brush free distance around the magazine; specifies requirements for magazine locks and persons permitted to enter the magazine; indicates where electric power lines are to be with respect to the magazine; and requires that

ammonium nitrate fuel oil blasting agents be physically separated from explosives stored in the same magazine. The regulation states that unless otherwise set forth in these Orders, blasting agents are to be treated in the same manner as explosive materials. The regulation states that during the transfer, handling, and re-storage of explosives, precautions against unauthorized access are to be taken. The regulation states that first class magazines are prohibited within 300 feet of a portal or access shaft of a tunnel under construction.

Subsections (a), (d), (e), (f), and (i) are proposed for repeal as these provisions are contained in proposed Section 5251(a), (c), (d), (e) and (e)(1), and (f) of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Subsection (b) is proposed for repeal as its provisions are contained in existing Section 5251(b) that is proposed for transfer to proposed Section 5251(h) of the GISO.

Subsection (c) is proposed for repeal as its provisions are contained in existing Section 5251(c) that is proposed for transfer to proposed Section 5251(h)(2) of the GISO.

Subsection (g) is proposed for repeal as its provisions are contained in existing Section 5251(g) that is proposed for transfer to proposed Section 5251(j) of the GISO.

Subsection (h) is proposed for repeal as its provisions are contained in existing Section 5251(h) that is proposed for transfer to proposed Section 5251(j) of the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

A portion of existing subsection (j) is proposed for transfer to Section 5251(g) of the GISO. This proposed transfer to prohibit explosives storage magazines to be located within specified distances of low and high voltage electrical lines will have no effect on the regulated public as it is industry practice to maintain the 25 foot distance from low-voltage electrical lines and the 100 foot distance from overhead high-voltage electrical lines. This proposal merely transfers the existing regulation in the TSO to the GISO.

The other portion of existing subsection (j) regarding the proper placement of magazines should an electrical line break is proposed for repeal as this regulation is already contained in Section 5251(g) of the GISO. Therefore, this proposal will have no effect on the regulated public.

Subsection (k) is proposed for transfer to Section 5256(m) of the GISO. This proposed action merely retains the TSO regulation in the GISO and provides specificity with respect to avoiding contaminating explosive materials with fuel oil or other liquid oxidizer. This prohibition is implied within Article

120, Mixing of Blasting Agents, Sections 5341, 5348, and 5360 and therefore, will have no effect on the regulated public.

Subsection (l) is proposed for repeal as its provisions are contained in Section 5340(a) of the GISO.

Subsection (m) is proposed for repeal as its provisions are contained in Section 5262(q) of the GISO. Therefore, these proposals will have no effect on the regulated public as these provisions are already contained in the GISO.

Subsection (n) is proposed for transfer to Section 5251(o) of the GISO. This proposed action merely retains the TSO regulation, with respect to a tunnel portal or access shaft, features which are specific to tunnel or mine operations, in the GISO and therefore, will have no effect on the regulated public.

Section 8515. Quantity and Distances Table for the Storage of Explosives—Class A.

Existing Section 8515 regulations and an accompanying table state the requirements for the minimum distances that a magazine with a specified quantity of blasting caps or explosives subject to mass detonation may be situated from listed topographical features. This section requires the listed distances be doubled where there is no barricade for the magazine or an inhabited building. The section further addresses situations in which there are two or more storage facilities on the same property and what is required under those conditions. The section gives equivalency of explosives for blasting caps and detonating cord.

The existing Table entitled “Quantity and Distances Table for the Storage of Explosives—Class A” lists distances when storage is barricaded. This Table is not applicable to any handling or temporary storage necessary if incidental to the transportation of explosives.

This section and Table are proposed for repeal as the provisions of Section 8515(a) through (h) and the Table are contained in proposed Section 5252(a); proposed TABLE EX-1; Section 5252(e), (c), (d), (b) and (a); and proposed TABLE EX-1 of Section 5252 of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Section 8516. Quantity and Distance Table for Storage of Explosives—Class B Distances in Feet When Storage is Unbarricaded.

Existing Section 8516 consist of a explanation of a Class B explosive and a table of unbarricaded distances from topographical features that specified quantities of Class B explosives are to be stored. The regulation further states that the distance is not to be reduced because of the presence of barricades or earth cover.

This section is proposed for transfer to new Section 5252.1, as “Quantity and Distance Table for Storage of Explosives—Low Explosives Distances in Feet When Storage is Unbarricaded” in the GISO. This proposed action will have no effect on the regulated public as the mining and tunneling industries are the only industries affected by this regulation and are already required to comply with these requirements. In addition, the DOD and ATF regulations already require the exact the same requirements for many years.

Section 8517. First-Class Magazines.

The introductory paragraph of existing Section 8517 states that first-class magazines shall apply to all building, excavation, tunnel, igloo, military and portable type magazines used for the storage of explosives.

This statement is proposed for repeal as it merely gives examples of accepted storage buildings and therefore, will have no effect on the regulated public.

Existing subsection (a) requires magazines to be constructed of masonry, wood, metal, or a combination of these materials. Included is the minimum thickness of wall construction using the referenced materials. Also included is a statement that only tongue and grooved lumber or plywood is to be used and wood is to be covered with metal to provide fire protection.

Subsection (a)(1) through (a)(4) are proposed for repeal as their provisions are contained in existing Section 5254(c)(1) through (c)(4) of the GISO that is proposed for transfer to new Section 5253.1(a)(1). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Subsections (a)(5) and (a)(6) regarding two layers of No. 6 Manufacturers Standard Gage or heavier steel spaced a minimum ½ inch apart and interior lines with a minimum of 2 inches of wood and two layers of wood at least 2 inch normal thickness each spaced a minimum 4 inches apart with the hollow space filled with weak cement, well tamped sand, or equivalent material are proposed for repeal as their provisions are contained in existing Section 5254(c)(5) and (c)(6) of the GISO that is proposed for transfer to new Section 5253.1(a)(1)(B)2. and new Section 5253.1(a)(1)(B)1., respectively. Subsections (a)(7) and (a)(7)(A) pertaining to wood shall be of tongue and grooved lumber or plywood are proposed for repeal as these provisions are no longer applicable and will not effect the regulated public. Subsection (a)(7)(B) regarding wood shall be covered on the exterior side with metal to provide protection against sparks is proposed for repeal as its provisions are contained in existing Section 5254(c)(4) of the GISO. Existing Section

5254(c)(4) is proposed for transfer to proposed new Section 5253.1(a)(1)(A)3. that will address sparks and fire resistant magazines.

In addition, proposed new Section 5253.1 of the GISO will address the construction of walls for storage magazines. Proposed new Section 5253.1 incorporates the Bureau of Alcohol, Tobacco, and Firearms (ATF) regulations. ATF is the lead federal agency for regulating the storage of explosive materials throughout the United States and therefore, this proposed action will have no effect on the regulated public.

Existing subsection (a) contains a “NOTE” that states that any sheeting used shall be plywood or tongue and groove lumber.

The provision of this “NOTE” is also contained in existing Section 5254(c)(7)NOTE of the GISO that is proposed for repeal. This “NOTE” is proposed for repeal as the ATF regulations, that are proposed for adoption as new Section 5253.1 of the GISO for the construction of explosive storage magazines, are no longer specific to this type of construction. The effect of this proposal is that California employers will no longer have to comply with a regulation enforced only in California.

Existing subsection (a)(8) requires that every first-class magazine be constructed to prevent penetration of a 180 gr., 30 caliber soft nosed hunting type bullet, when propelled at a maximum velocity of 2700 fps, when fired at a distance of not to exceed 100 feet. The EXCEPTION to subsection (a)(8) exempts magazines used only for the storage of blasting agents, Class B and Class C explosives.

Subsection (a)(8) and the EXCEPTION are proposed for repeal as similar provisions are contained in Section 5253.1(a)(1) and therefore, this proposal will have no effect on the regulated public.

Existing subsection (b) requires the door to be bullet resistant construction and lockable with a protector such as a steel hood over the lock to minimize the possibility of tampering with the lock.

Subsection (b) is proposed for repeal as similar provisions are contained in existing Section 5254(d) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(a)(1) and (a)(1)(G). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (c) requires that the floors of the magazines are to be securely fastened and capable of withstanding the loads imposed.

Subsection (c) is proposed for repeal as similar provisions are contained in existing Section 5254(e) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(a)(1)(C). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (d) permits building type magazine walls and roofs to be made of wood covered with No. 26 U.S. Standard gauge metal. If there is a possibility that a bullet could be fired directly through the roof into the magazine, the roof construction would have to meet the requirements of subsection (c) or a four inch deep layer of sand would have to be placed on the roof, covering the entire magazine ceiling area.

Subsection (d) is proposed for repeal as its provisions are contained in existing Section 5254(f) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(a)(1)(E). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (e) addresses the requirements for ventilation to minimize dampness and the heating of stored explosives. Also, the regulation is specific in the wire mesh size and wire gauge to be used to screen the ventilation openings.

Subsection (e) and the accompanying "NOTE" referencing Pamphlet No. 1, published by the Institute of Makers of Explosives, 1965 Edition, as evidence of good practice with respect to ventilation, are proposed for repeal as their provisions are contained in existing Section 5254(g) and (g)NOTE of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(a)(1)(D), (h), and (h)NOTE. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (f) requires magazines to have a smooth finish without cracks or crevices with all nails or fasteners countersunk. It also requires that materials capable of emitting sparks shall be covered so as not to come into contact with packages of explosives.

Subsection (f) is proposed for repeal as similar provisions are contained in existing Section 5254(h) of the GISO that is proposed for transfer with revisions to proposed Section 5256 as new subsection (n). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (g) states that no first-class magazine shall be located under a high voltage power line and gives the definition of the word "under".

Subsection (g) is proposed for repeal as Section 5251(g) of the GISO already contains similar provisions and therefore, will have no effect on the regulated public.

Existing subsection (h) requires that electrical installations comply with Title 24, Part 3, for Class II, Division 1 locations.

Subsection (h) is proposed for repeal as Section 5256(c) of the GISO already contains similar provisions and therefore, will have no effect on the regulated public.

Existing subsection (i) requires that magazines constructed of metal be electrically bonded and grounded.

Subsection (i) is proposed for transfer to proposed Section 5251 as new subsection (q). This proposed action will have no effect on the regulated public as this proposal merely places a specific reference to bonding metal buildings to prevent a source of ignition, static, or stray currents to electricity. The GISO regulations already prohibit sources of ignition when storing and using explosive materials, but are not clear on the bonding of metal constructed storage buildings.

Existing subsection (j) requires signs containing specific warnings and of a given color with minimum letter size to be posted at the approach to the explosive storage magazine.

Subsection (j) is proposed for repeal as similar provisions are contained in existing Section 5254((i) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(f). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

The "NOTE" that follows subsection (j) provides a grandfather clause for portable magazines that were constructed before May 21, 1971 if certain provisions are taken to protect the magazine.

The provision of this "NOTE" is also contained in existing Section 5254(c)(7) of the GISO, that is proposed for repeal. This "NOTE" is proposed for repeal as the ATF regulations, that are proposed for adoption as new Section 5253.1 of the GISO for the construction of explosive storage magazines, no longer are specific to this type of construction. The regulatory effect of this proposal is that California employers will no longer have to comply with a regulation enforced only in California.

In summary, the provisions in proposed new Section 5253.1 will include Federal OSHA and Bureau of Alcohol, Tobacco, and Firearms wall construction requirements. Bureau of Alcohol, Tobacco, and Firearms is the lead federal agency regarding the storage of explosive materials. These regulations are enforced nationwide and their incorporation ensures California's regulations are consistent with the federal regulations. Therefore, this proposal requires the regulated public to provide safeguards consistent with federal mandates.

Section 8518. Second-Class Magazines.

Existing subsection (a) states what a second-class magazine will be and the type of materials it can be constructed of.

Existing subsection (b) requires that second-class magazines be constructed of specific dimensioned lumber, plywood, or steel over plywood or material having equal strength and fire resistance.

Existing subsection (c) requires that second-class magazines in buildings be located for easy removal in the event of a fire.

Existing subsection (d) requires the magazine be painted red and have white lettering of a specific dimension stating "EXPLOSIVES."

Existing subsection (e) requires second-class magazines containing explosives located where no one is in attendance shall be adequately secured to prevent theft.

Existing subsection (f) permits magazines that are not fire resistant when they are located more than 50 feet from combustible material.

The provisions of subsections (a) through (e) are proposed for repeal as similar provisions are contained in existing Section 5255(a) through (e) of the GISO that is proposed for transfer with revisions to proposed new Section 5253.1(b) and (c); (b), (c), (d), and (e); (b)(1)(D); (b)(1)(E); and (b)(1) of the GISO, respectively. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Subsection (f) is proposed for repeal as its provisions are contained in existing Section 5255(f) of the GISO that is also proposed for repeal. It is not industry practice to construct second-class magazines that are not fire resistant and therefore, this proposed repeal will have no effect on the regulated public.

In summary, the provisions in proposed new Section 5253.1(a) will include Federal OSHA and Bureau of Alcohol, Tobacco, and Firearms wall construction requirements. Bureau of Alcohol, Tobacco, and Firearms is the lead federal agency regarding the storage of explosive materials. These regulations are enforced nationwide and their incorporation ensures California's regulations are consistent with the federal regulations. Therefore, this proposal requires the regulated public to provide safeguards consistent with federal mandates.

Section 8519. Storage Within First-Class Magazines.

Existing Section 8519 requires that first-class magazines be kept clean and free of rubbish. First-class magazines are not to be used as storerooms except for equipment incidental to explosives handling. Other requirements include using specific portable lighting within the magazine; how to stack packages of explosives; using the oldest explosive first; ensuring all primers and capped fuses are used as soon as reasonably possible after making; not packing or unpacking containers of bulk explosives within 50 feet of the magazine and securely fastening the container cover before returning the container to the

magazine; removing all explosives from the magazine, placing them in another magazine, and cleaning the floors before repairs to the inside of the magazine are initiated; and ensuring that where there is a possibility of sparks when working on the outside of the magazine that the explosives are removed from the magazine first.

Section 8519 is proposed for repeal as the provisions of Section 8519(a) through (i) are contained in Section 5256(a) through (i) of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Section 8520. Makeup or Primer House for Blasting Operations.

Existing Section 8520 states where primers are to be made up and stored; how many pounds of explosives may be stored in a makeup house; how many primers of each delay may be stored; and, permits primers to be made up in a separate building provided appropriate magazines are provided for the explosives, detonators and primers.

Section 8520 is proposed for repeal as the provisions of Section 8520(a) and (b) are contained in proposed Section 5257(b) and (c) NOTE of the GISO, respectively, and therefore, this proposed action will have no effect on the regulated public.

Section 8521. Storage of Explosives Underground.

Existing Section 8521 prohibits the storage of explosives in underground work areas during construction.

Section 8521 is proposed for transfer to proposed Section 5258(c). This proposal will have no effect on the regulated public it merely transfers an existing TSO regulation into the GISO specific to underground operations.

Article 22. Transportation of Explosives.

Section 8525. General.

Existing subsection (a) exempts transportation of explosives under the jurisdiction of USDOT, the California Highway Patrol, the California Vehicle Code, or the Health and Safety Code on Public Highways.

Existing subsection (b) prohibits the transportation of explosive initiation devices with radio transmitting devices unless they have been tested and proven safe for transportation under those circumstances by a laboratory approved by the State Fire Marshal.

Existing subsection (c) prohibits the transportation of blasting caps in any vehicle carrying more than 5,000 pounds of explosives.

Section 8525 is proposed for repeal as the provisions of subsections (a), (b), and (c) are contained in existing subsections (a), (b), and (c) of Section 5262 of the GISO, respectively, that are proposed for

revisions and explained in the GISO. Therefore, this proposed action will have no effect on the regulated public.

Section 8526. Surface Transportation.

Existing subsection (a) requires that vehicles transporting explosives or blasting agents are to have placards with specific legends/signs of definite size and color at specified locations on the vehicle.

Existing subsection (b) prohibits the transportation of electric blasting caps and capped fuses with explosives unless they are in separate compartments, with an air gap of at least 25 inches between the compartments.

Existing subsection (c) states the vehicle is to be in good working order and the load secured, have no sparking metal in the cargo space, and additional requirements if the vehicle has an open body.

Existing subsection (d) states the vehicle is to be equipped with a 4-BC unit or equivalent Underwriter's approved fire extinguisher.

Existing subsection (e) states, unless protected from damage, containers of explosives are not to be transported with other equipment not incidental to the explosive operation.

Existing subsection (f) requires only the driver and employees necessary for the operation of the vehicle to be allowed on the vehicle carrying explosives.

Existing subsection (g) states no service or repairs using flame-producing devices are to be accomplished on the vehicle while transporting explosives.

Existing subsection (h) states explosive carrying vehicles shall comply with the Quantity Distance Table when stored.

Existing subsection (i) states that the driver shall not leave the vehicle cab until the motor is stopped and the brakes are set and reasonable precautions shall be taken to prevent the movement of the vehicle.

Existing subsection (j) states that explosives shall not be left unattended during transportation. The attendant must be trained in the hazards of explosives and have an emergency plan.

Existing subsection (k) states explosives or detonators are not to be transported on locomotives.

Existing subsection (l) states vehicles containing explosives or detonators shall not be taken to a repair garage or shop for any purpose.

Subsections (a), (b), (c), (d), (e), (g), (h), (i), and (k) are proposed for repeal as these provisions are contained in the proposed revisions to Section 5262(d), (c), (f), (g), (h), (k)(1), (l), (m), and Section 5266(c), respectively, and therefore, this proposed action will have no effect on the regulated public.

Subsection (f) is proposed for repeal as its provisions are already contained in existing Section 5263(f) of the GISO that is proposed for transfer with

revisions to proposed Section 5262(j). This proposed action will have no effect on the regulated public as explained in the GISO.

Existing subsection (j) states that explosives shall not be left unattended during transportation and requires the attendant to be trained in the hazards of explosives and have an emergency plan.

Subsection (j) is proposed for repeal as these provisions are contained in proposed Section 5262(j), (n), and (s) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (l) states that vehicles containing explosives or detonators shall not be taken to a repair garage or shop for any purpose.

Subsection (l) is proposed for transfer to proposed Section 5262(k). This proposal will have no effect on the regulated public as various subsections within Section 5262 already address reasons why a truck with explosives should not be in a repair garage: i.e. subsection (i) permits only the driver to attend or move the vehicle; subsection (k) prohibits the use of flame or heat producing devices on the vehicle, items which can readily be found within a garage or shop; and subsection (m) requires the driver to secure the vehicle.

Section 8527. Transportation of Explosives—Underground—General.

Existing subsection (a) states that explosives shall not be left on the station level near the shaft collar or tunnel entrance, but shall be taken to the place of use or storage without delay.

Existing subsection (b) requires that detonators, capped fuses or other explosives being transported be in substantially constructed containers with tight fitting covers of materials acceptable to the Division. A "Note" to existing subsection (b) is provided that states original cases or DOT containers are acceptable except for primers.

Existing subsection (c) states that detonators, primers, or capped fuses shall not be transported in the same container or compartment with other explosives.

Existing subsection (d) requires each primer to be transported in a partitioned, non-metallic container.

Existing subsection (e) states that explosives are not to be transported with materials or equipment other than those used in blasting.

Subsections (a), (b), (b)Note, (c), (d), and (e) are proposed for repeal as their provisions are contained in proposed Section 5264(a), (b), (b)NOTE, (c), (d), and (e) of the GISO, respectively, and therefore, will have no effect on the regulated public.

**Section 8528. Transportation of Explosives—
Hoisting or Lowering.**

Existing subsection (a) permits only authorized persons to ride any shaft conveyance transporting explosives.

Existing subsection (b) requires that the hoist operator be notified that explosives are being transported.

Existing subsection (c) requires that the explosive be in an appropriate conveyance.

Existing subsection (d) specifies that hoisting operations in adjacent shafts be discontinued while explosives are being handled.

Existing subsection (e) prohibits the hoisting or lowering of detonators, primers, and powder in the same cage, skip, or bucket unless in a powder car.

Existing subsection (f) states that explosives are not to be lowered or hoisted with other materials, supplies, or equipment. The explosives are to be promptly transferred to the powder car and not be stacked or stored around the shaft collar or station.

Subsections (a), (b), and (c) are proposed for repeal as these provisions are already contained in Section 5265(a), (b), and (c) of the GISO, respectively, and therefore, the proposed action will have no effect on the regulated public.

Subsection (d) is proposed for transfer to Section 5265 as new subsection (d). This proposal will have no regulatory effect on the regulated public as the mining and tunneling industries are the only industries affected by this regulation and are already required to comply with these requirements.

Subsections (e) and (f) are proposed for repeal as these provisions are contained in Section 5264(c) and Section 5264 (a) and (e) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

**Section 8529. Rail Transportation of Explosives—
Underground.**

Existing Section 8529(a) through (f) permits only the train crew and powder men to ride on a train transporting explosives; requires that explosives in quantities of 100 pounds or more be in special powder cars; prohibits explosives from being transported on the locomotive and requires the powder train be limited to the powder car and the locomotive; requires the special powder car to be labeled; prohibits the powder car from being pushed, except when switching or on a dead end line; and requires the primers to be placed in the primer compartment of the powder car in the appropriate box and primer and powder compartments are to be separated by at least 25 inches of air space.

Subsections (a) through (f) are proposed for repeal as their provisions are already contained in Section 5266(a) through (f) of the GISO, respectively, and therefore, the proposed action will have no effect on the regulated public.

Section 8530. Transportation of Explosives—Underground—Special Trackless Vehicles.

Existing Section 8530(a) through (e) require that trackless vehicles used to transport explosives underground are truck type vehicles without dump bodies; that they are especially equipped for that purpose and maintained in compliance with these orders; that they are lined with nonconductive materials and equipped with closed compartments to carry the explosives; that the vehicle has signs on the sides, front and rear with specific wording and lettering size; and is equipped with a flashing red light that is visible from the front and rear.

Subsection (a) is proposed for repeal as its provisions are contained in existing Section 5267(a) of the GISO that is also proposed for repeal. The provisions of Section 5267(a) and (b) of the GISO are specific regarding the equipping of vehicles for the addressed purpose such as closed compartment that prevents accidental dumping. his proposal will have no effect on the regulated public as the provisions of proposed Section 5267(a) and (b) pertain to this regulation. Therefore, existing subsection (a) is unnecessary.

Subsections (b) through (e) are proposed for repeal as their provisions are contained in Section 5267(a) through (d) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Existing subsections (f), (g), and (h) prohibit the carrying of rock, ore, or other materials not necessary for the blasting operation, permits only the vehicle operator and blaster on the vehicle, and requires the electrical system of the trucks used to transport explosives to be checked and a certification record maintained.

Subsection (f) is proposed for repeal as its provisions are contained in existing Section 5267(f) of the GISO that is also proposed for repeal as proposed Section 5262(h) already contains this provision. Therefore, this proposal will have no effect on the regulated public as its provisions are already contained in the GISO.

Subsection (g) is proposed for repeal as its provisions are contained in existing Section 5267(g) of the GISO that is proposed for transfer to proposed Section 5262(i). Therefore, this proposal will have no effect on the regulated public as its provisions are already contained in the GISO.

Subsection (h) is proposed for repeal as its provisions are contained in proposed Section 5262(f)(4) of the GISO. Therefore, this proposal will have no effect on the regulated public as its provisions are contained in the GISO.

Section 8531. Transportation of Explosives-Manual.

Existing Section 8531 requires that manually transported explosives be carried in suitable bags or containers. Additionally, detonators and primers are to be transported in separate bags or containers.

Subsections (a) and (b) are proposed for repeal as its provisions are contained in Section 5268(a) and (b) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Article 23. Handling and Use of Explosives—Blasting Operations.

Section 8535. General.

Existing subsection (a) requires an authorized competent person to be in charge of blasting.

Subsection (a) is proposed for repeal as its provisions are contained in proposed Section 5238(a) of the GISO. Therefore, this proposed action will have no effect on the regulated public.

Existing subsection (b) prohibits smoking or open flames within 50 feet of any area where explosives are being handled.

Subsection (b) is proposed for repeal as its provisions are contained in Section 5276(a) of the GISO. Therefore, this proposed action will have no effect on the regulated public.

Existing subsection (c) permits only energized power cables or sources of ignition that are necessary to the loading and firing operation to be in an area where there are loaded holes.

Subsection (c) is proposed for repeal as its provisions are contained in existing Section 5276(c) that is also proposed for repeal because Section 5276(a) and (d) and Section 5299(e) and (g) of the GISO already contain the provisions of subsection (c). Therefore, this proposed action will have no effect on the regulated public.

Existing subsections (d), (e), (g), and (h) require that only appropriate tools be used to open explosive containers; paper cartons, sawdust and rubbish from explosives containers be removed to a safe place; all leftover explosives and initiating devices are to be returned to their proper magazines; and, blasting mats are to be used where there is the possibility of flying rock or material damaging other property.

Subsections (d), (e), (g), and (h) are proposed for repeal as their provisions are contained in Section 5276(b), (c), (e), and (f) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Existing subsection (f) prohibits explosives to be placed or left within 5 feet of an electric light circuit or electric power circuit except during transportation.

This provision is proposed for repeal as proposed Section 5276(d) of the GISO contains this requirement with proposed revisions that explosive materials shall not be placed within 25 feet of exposed electrical circuits except during transportation. This proposal will have no effect on the regulated public as it is industry practice to maintain at least 25 feet from all electrical circuits as they are a potential source of ignition.

Section 8536. Tamping Poles and Devices.

Existing Section 8536 requires that tamping poles are made of wood or acceptable plastic materials; the end of the tamping pole is square and of a size that will not bypass the cartridge in the hole; the wooden tamping poles have no metal parts, except for non-ferrous metal ferrules for extending the length of the pole; and plastic poles are not used unless accepted by the Division. A "NOTE" is included explaining why some plastics cannot be used for tamping poles.

Subsections (a), (b), and (c) are proposed for repeal as their provisions are contained in Section 5277(a), (b), and (c) of the GISO, respectively.

Subsection (d) and the "NOTE" to subsection (d) are proposed for repeal as these provisions are contained in existing Section 5277(d) and the "NOTE" to subsection (d) of the GISO. The existing provisions of Section 5277(d) and the "NOTE" to subsection (d) are proposed for transfer with proposed revisions that are explained in the GISO to proposed Section 5277(a) and as a new "NOTE" to subsection (a). Therefore, this proposed action will have no effect on the regulated public as these provisions are already contained in the GISO.

Section 8537. Loading of Explosives—General.

Subsections (a) through (o).

Existing subsections (a) through (o) contain the requirements necessary to perform a safe explosive loading operation. The regulations address requirements concerning when loading is to commence and the condition of the bore holes; vehicular traffic; number of persons at the loading site; amount of explosives to be delivered at the site; and the minimum strength of detonators to be used. Also, the regulations require that the detonator be encased with explosives; tamping to be done with light blows, if required; holes stemmed to sufficiently confine the charge; and stacks of explosives to be spaced to prevent propagation of an explosion. The regulations specify a distance to be maintained from a charged hole when springing a hole,

the sprung hole is to cool before being loaded, and drop fuses are not to be used. The regulations state that charged holes cannot be deepened; blasting is to take place as soon as possible after charging has taken place; and explosives are to be separated from primers until charging takes place. The regulations state that only non-sparking implements are to be used to punch holes in an explosive cartridge and provisions are required to prevent unauthorized entry into an area containing charged holes.

Subsections (a) through (o) are proposed for repeal as their provisions duplicate those provisions contained in Section 5278(a), (c), (d), (e) with proposed revisions that are explained in the GISO, (f), (g), (h), (i), (j), (k) and (l), (m), (o), (p), (r), and (s) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Subsection (p).

Existing subsection (p) requires all detonators of a round to be of the same brand.

Subsection (p) is proposed for repeal as its provisions are contained in existing Section 5278(u) that is proposed for transfer to proposed Section 5299(j) of the GISO. Therefore, this proposed action will have no effect on the regulated public as this provision is already contained in the GISO.

Subsections (q) through (s).

Existing subsections (q) through (s) require the use of a double trunkline or loop system for detonating cord blasting. Trunklines in multiple row blasts are to make one or more complete loops with cross ties at intervals not to exceed 200 feet. All detonating cord knots are to be tight and the connections kept at right angles to the trunklines.

Subsections (q) through (s) are proposed for repeal as their provisions are contained in Section 5278(t) through (v) of the GISO. Therefore, this proposed action will have no effect on the regulated public as these provisions are contained in the GISO.

Subsection (t).

Existing subsection (t) requires that flood lights be used for illumination. If the current for the flood lights comes from the locomotive, the locomotive will be at least 50 feet from the loading operation.

Subsection (t) is proposed for transfer to proposed Section 5278(b) of the GISO. This proposed action will have no effect on the regulated public as an electrical generator/alternator is a source of ignition, and sources of ignition are to be at least 50 feet from explosive loading operations.

Subsections (u) through (w).

Existing subsection (u) prohibits smoking and open flames in areas where loading operations are in progress.

Existing subsection (v) permits only those persons necessary for the loading operation at the site.

Existing subsection (w) prohibits connecting the lead wires to the permanent shot firing line until all persons have retreated from the site. All work is to stop at the face during loading and after loading until the shot is fired.

Subsections (u) through (w) are proposed for repeal as their provisions are contained in Sections 5276(a), 5278(d), and 5304(c) and (d). Therefore, this proposed action will have no effect on the regulated public as these provision are contained in the GISO.

Subsection (x).

Existing subsection (x) requires a wait of at least 5 minutes before returning to the face after a shot. The blasting switches must be in the off position in addition to returning the shot line to the pre-firing conditions.

The first portion of subsection (x) is proposed for transfer to proposed Section 5291(j) of the GISO. This proposed action will have no effect on the regulated public as this provision remains specific to underground blasting operations. Also included in subsection (x) is an advisory statement that states additional waiting time may be required for the ventilation system to clear the air. This statement is proposed for repeal as Group 16 of the GISO, beginning with Article 107, is specific to the control of hazardous substances, including dust, fumes, mists, vapors, and gas. Therefore, this proposal will have no effect on the regulated public.

The second portion of subsection (x) is proposed for repeal as its provisions are contained in existing Section 5304(g) that is proposed for transfer to proposed Section 5304(f). Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Section 8538. Loading and Blasting Near and Under Power Lines.

When surface blasting under or near overhead power lines, existing Section 8538 requires that leading wires be placed at right angles to power lines and anchored to prevent the circuit conductors from being thrown into the overhead lines. Additionally, the loaded holes are to be covered with a nonconductive blasting mat that is to be anchored to prevent it or other material from being blown into the overhead lines.

Subsections (a) and (b) are proposed for repeal as their provisions are already contained in Section 5279(a) and (b) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 8539. Pneumatic Loading of Explosives and Blasting Agents.

Existing Section 8539 contains general information that this regulation applies to all devices, appurtenances, operations, and procedures used in charging bore holes or other cavities with an explosive or blasting agent by means of compressed air. This section contains those requirements to be complied with when charging bore holes with explosives or blasting agents. The regulation gives parameters regarding use of construction material and requires the vessel that is pressurized on an air loader be designed, constructed, inspected, and stamped as meeting the requirements of the Unfired Pressure Vessel Safety Orders. There are requirements for a mesh screen, air trap or a filter to be installed on the air supply line. The air temperature is to be maintained below 150 degrees Fahrenheit and there is to be a pressure relief valve set no higher than 55 pounds per square inch pressure. The equipment is to be grounded using at least #8 American Wire Gauge straps or cables connected to a ground rod. Specific resistance limits are listed. Prior to attaching the loader, the air line shall be blown out and the material poured into a pressure type loader shall be passed through a one-half inch opening screen. Air loaders used to place stemming shall be cleaned before and after such use.

The first paragraph of Section 8539 is proposed for repeal as this information is contained in existing Section 5280(a) which is proposed for repeal as it is informational only, and will have no effect on the regulated public. Subsections (a), (a)(1), (a)(2), and (a)(3); (b) and (b)(1) through (4); (c) and (c)(1) through (3); (d), (d)(1) [except for the last sentence of subsection (d)(1)], (d)(2), and (d)(3); and (e) and (e)(1) through (3) are proposed for repeal as these provisions are contained in Section 5280(a), (a)(1), (a)(2), and (a)(3); (b) and (b)(1) through (4); (c) and (c)(1) through (4); (d), and (d)(1) through (4); and (e) and (e)(1) through (3) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

The last sentence of subsection (d)(1) which requires that pneumatic loading equipment shall not be grounded to water lines, air lines, rails, or other permanent electrical grounding systems is proposed for transfer to Section 5280(d)(3) of the GISO. This proposal will have no regulatory effect as the regulated public is already required to comply with the general provisions of Section 5299(a) relating to stray or extraneous current.

Section 8540. Firing of Explosives.

Existing Section 8540 requires that the employer or a delegated representative determine the time of blasting. Signals are to be given and assurance that all

explosives and persons are in a safe place and a safe distance or under cover before the blast is fired. Warning signals, such as horns, voice communication or flaggers, shall be given before the blast.

Subsections (a) through (d) are proposed for repeal as these provisions are contained in Section 5291(a) through (d) of the GISO, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 8541. Secondary Blasting.

Existing Section 8541 prohibits activity of any kind that creates a hazard to explosives during secondary blasting operations and requires the use of detonating fuse or instantaneous blasting caps when shots to be fired are in such close proximity that one shot could displace another.

Subsections (a) and (b) are proposed for repeal as their provisions are contained in Section 5292(a) and (b) of the GISO, respectively, and therefore, the proposed action will have no effect on the regulated public.

Section 8542. Misfires.

The introductory sentence of existing Section 8542 provides information stating that misfires are the most hazardous operation associated with blasting operations.

This statement is proposed for repeal as it is informational only and will have no effect on the regulated public.

Existing subsection (a) requires that the shot area be examined for misfires after each blast and, if misfires are found or suspected to exist, they will be reported to the appropriate person.

Subsection (a) is proposed for repeal as its provisions are contained in Section 5293(a) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Existing subsection (b) requires, where possible, that the number of explosive charges in each blast is to be counted and compared to the number of explosions heard.

Subsection (b) is proposed for repeal as the phrase "Where possible" is vague, in addition to the fact that it is not possible to accurately count the number of explosions in a blast sequence. This proposed action will have no effect on the regulated public as this regulation has not been actively enforced.

Existing subsection (c) requires a 30 or 60-minute wait, depending on the type of initiating system used, if a misfire occurs. Included in the regulation are two methods by which the misfire can be neutralized or the detonator and cap sensitive explosives can be removed.

Subsection (c) is proposed for repeal as its provisions are already contained in Section 5293(b)(1) through (b)(3) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Existing subsection (d) prohibits the drilling of blast holes if there is a danger of intersecting a charged hole of misfired explosives.

Subsection (d) is proposed for repeal as its provisions are contained in proposed Section 5293(d) of the GISO and therefore, the proposed action will have no effect on the regulated public.

Existing subsection (e) prohibits any other work to take place in the area during the mitigation of a misfire and states that only the necessary crew is to be on site.

Subsection (e) is proposed for transfer to Section 5293 as new subsection (c) of the GISO to address burning, but unexploded explosive materials. This proposal will have no effect on the regulated public as it is specific to burning materials and is already required by both the MSO and the TSO [specifically Section 8542(e)].

Section 8543. Coyote Hole Blasting.

Existing subsection (a) prohibits electric lighting circuits within a coyote hole while it is being loaded.

Existing subsection (b) requires that the ends of lead wires be shorted until ready to blast. Also, the circuits are to be tested every 10 feet if stemming is placed in the crosscuts or before each explosive charge is placed.

Existing subsection (c) requires that when detonating cord is used, a double line of cord with frequent cross ties will be used so the detonating wave can reach each explosive charge from 2 independent sources.

Existing subsection (d) requires coyote holes be backfilled tightly and for sufficient length to prevent a blown out shot.

Existing subsection (e) requires the blast area to be plainly marked at specific locations when being loaded with appropriate warning signs.

Subsections (a) through (e) are proposed for repeal as their provisions are already contained in Section 5294(a) through (e) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public as these provisions are contained in the GISO.

Section 8544. Use of Safety Fuse—General.

Existing subsection (a) requires the use of safety fuse for fuse cap blasting.

Subsection (b) requires tests to be made to determine the average burning rate for the safety fuse. The regulation is specific in the lengths of fuse to be tested and the deviation from the average burning rate that is acceptable.

Existing subsection (c) requires a notice to be prominently posted at the work site stating the fuse burning rate.

Subsection (d) prohibits the use of hammered or damaged fuse.

Subsections (a) through (d) are proposed for repeal as their provisions are contained in Section 5295(a) through (d) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public as these provisions are contained in the GISO. Section 8545. Safety Fuse Storage.

Existing subsection (a) requires the safety fuse to be warmed slightly before being uncoiled when used in cold weather.

Existing subsection (b) prohibits safety fuse storage underground except when the storage area is dry and the relative humidity is less than 80%.

Existing subsection (c) prohibits safety fuse from being hung on anything that could cause a sharp bend to be formed in the fuse.

Existing subsection (d) requires fuse and igniters to be stored in a cool, dry place away from oil and grease.

Subsections (a) through (c) are proposed for repeal as these provisions are contained in Sections 5296(a) through (c) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

The provisions of subsection (d) are proposed for transfer into Section 5296 as proposed subsection (b) of the GISO. Section 5296 already restricts materials that may be stored with fuses, therefore, this incremental addition will have no effect on the regulated public.

Section 8546. Making Capped Fuses and Primers.

Existing subsection (a) requires that at least one inch of fuse be cut from the end of each coil before capping safety fuse to prevent damp fuse from being place into the cap.

Existing subsection (b) requires blasting caps to be kept in their original or equivalent container except when they are used.

Existing subsection (c) requires only tools designed for that purpose be used for attaching the blasting cap to the safety fuse. The tool shall be readily accessible.

Existing subsection (d) requires the use of a waterproof ring type crimp or compound when necessary.

Existing subsection (e) prohibits the use of a half hitch to attach the capped fuse to the primer cartridge.

Existing subsection (f) requires that fuses be cut and capped in a safe, dry location posted as a no smoking area.

Included in Section 8546 are sketches showing recommended methods for attaching capped fuses to primer cartridges. There is a note following the

sketches that gives further instruction on how the safety fuse is to lay when using the lacing method.

Subsections (a) through (e) are proposed for repeal as their provisions are contained in Section 5297(a), (b), (c), (e), and (f) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public as these provisions are already contained in the GISO.

The provisions of subsection (f) are proposed for transfer to Section 5297 as new subsection (d). The proposed action merely ensures retention in the GISO the provisions of an existing TSO that explains material storage of some greater specificity than the general storage requirements contained in the GISO and therefore, will have no effect on the regulated public.

The sketches for the Recommended Methods of Attaching Capped Fuse to Primer Cartridge and accompanying note regarding safety fuse primer are proposed for repeal as these provisions are already contained in existing Section 5297(e) of the GISO that is proposed for transfer to revised Section 5297 as a new subsection (g) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Section 8547. Blasting with Safety Fuse—Hazards Blasting with Safety Fuse.

Existing Section 8547 contains a preamble describing the hazards of blasting with safety fuse.

Existing subsection (a) prohibits the igniting of safety fuse before the explosive charges are in place unless cleared by the Division.

Existing subsection (b) requires consideration be given regarding length and burning rate of fuse, condition of the escape route, and the distance to the place of safety.

Existing subsection (c) requires the safety fuse to extend at least three feet beyond the collar of the hole.

The “NOTE” to existing subsection (c) states that a 3-foot safety fuse will fire a shot in about 2 minutes.

Existing subsection (d) permits only a single shot when using three-foot safety fuses.

Existing subsection (e) requires at least a two-minute delay after the last fuse has been ignited before the first charge explodes.

Existing subsection (f) considers the lighting of 2 or more safety fuses in a group using an igniter cord to be the same as lighting one fuse. No one employee may light more than 12 safety fuses in succession.

Existing subsection (g) prohibits entry into a blast area after the blast for at least 2 minutes when three or more safety fuses are lighted at one time.

Existing subsection (h) requires the presence of two men when lighting safety fuses.

Existing subsection (i) permits only devices designed to ignite safety fuse to be used.

The preamble to existing Section 8547 is proposed for repeal as it is unnecessary and informational only and therefore, will have no effect on the regulated public.

The provisions of subsection (a) through (i), with the exception of the “Note” to subsection (c), are proposed for repeal as these provisions are contained in proposed Section 5298(a)(1), (a)(2), (a)(4), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9), and (a)(10) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

The “NOTE” to subsection (c) stating that a 3-foot safety fuse will fire a shot in about 2 minutes is proposed for transfer to Section 5298(a)(4)NOTE of the GISO. This proposed action was recommended by the advisory committee and merely ensures retention of this information in the GISO from the TSO. Therefore, this proposed action will have no effect on the regulated public as the “NOTE” is informational only.

Section 8548. Firing with Electricity—General.

Existing subsection (a) prohibits electric blasting operations to be done when it is known there are stray electrical currents in the area sufficient to detonate the electric blasting caps being used.

Subsection (a) is proposed for transfer to proposed Section 5299 as new subsection (a) of the GISO. This proposal will have no effect on the regulated public as there are already regulations within the GISO (i.e. Sections 5276, 5306, and 5314) that address explosive materials and areas where potential stray current may exist.

Existing subsection (b) permits the use of listed blasting devices or other means acceptable to the Division.

Subsection (b) is proposed for repeal as its provisions are contained in Section 5299(b) and therefore, will have no effect on the regulated public.

Existing subsection (c) prohibits the use of dry cell batteries for more than a single detonation. The dry cell batteries used for this purpose cannot have exposed terminals.

Subsection (c) is proposed for repeal as its provisions are contained in the proposed revisions to Section 5299(b) of the GISO that will be explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (d) permits firing with referenced devices, if the connections are as recommended by the manufacturer. When firing with a light or power circuit, the accompanying examples are to be used.

Subsection (d) is proposed for repeal as its provisions are contained in the proposed revisions to Section 5299(c) of the GISO that will be explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (e) delineates the amperage to be used to activate an explosion. In addition, subsection (e) contains a "NOTE" stating the minimum permissible amperages to be used for direct and alternating currents, series, and parallel circuits, and when igniter cord is used with electric starters.

Subsection (e) is proposed for repeal as its provisions are contained in the proposed revisions to Section 5299(d) of the GISO that are explained in the GISO and therefore, will have no effect on the regulated public.

The "NOTE" to subsection (e) is proposed for repeal as its provisions are contained in existing Section 5299(d) NOTE of the GISO that is proposed for transfer to revised Section 5299(c) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (f) requires that blasting wires be kept clear of conductive materials and features, except the earth itself.

Subsection (f) is proposed for repeal as its provisions are contained in Section 5299(e) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (g) prohibits grounding of the blasting circuit leading from the firing switch to the blast area.

Subsection (g) is proposed for repeal as its provisions are contained in Section 5299(f) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (h) prohibits the location of low-voltage electric power lines within 50 feet of loaded holes or if not possible to be moved, that they be de-energized before an electric detonator or starter is brought into the area. Where neither is possible, the area shall be checked for stray current.

Subsection (h) is proposed for repeal as its provisions are contained in Section 5299(g) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (i) requires the blasting circuit to be tested with a galvanometer before firing.

Subsection (i) is proposed for repeal as its provisions are contained in Section 5299(h) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (j) requires the circuit to remain shorted until the round is ready to test and fire.

Subsection (j) is proposed for repeal as its provisions are contained in Section 5299(i) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (k) delineates those areas where electric blasting may be used.

Subsection (k) is proposed for repeal as its provisions are contained in existing Section 5299(j) of the GISO that is proposed for transfer to revised Section 5298(a)(3) of the GISO with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing Section 8548 contains a series of diagrams showing examples of blasting circuits such as a diagram for series blasting, a diagram for parallel blasting, and a diagram for parallel-series blasting.

These series of diagrams are proposed for repeal as these examples of blasting circuits are contained in Section 5299 of the GISO and therefore, will have no effect on the regulated public.

Section 8549. Firing Switches.

Existing subsection (a) requires that the firing switch conform to a list of six minimum requirements, addressing such things as exterior operation, that it is of double pole construction, short circuiting capabilities, minimum voltage ratings, mounting requirements, and where the leading and power line wires are to be attached.

Existing subsection (b) requires when firing by a light or power circuit, an air gap of at least 5 feet for underground operations and at least 15 feet for surface operations shall be provided except when firing. It further states how the air gap is to be established.

Subsections (a) and (b) are proposed for repeal as their provisions are already contained in Section 5300(a) and (b) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

Existing subsection (c) recommends that the shot firing switch be at the portal, or not less than 1,000 feet from the face of the tunnel if the tunnel length exceeds 1,000 feet.

Subsection (c) is proposed for transfer with revisions to Section 5300 as new subsections (c) and (d) of the GISO. Proposed new Section 5300(c) merely retains the existing TSO requirement. Proposed new Section 5300(d) will require the employer to place the shot firing switch outside the portal if the tunnel length is less than 1,000 feet. This proposed action will make the existing recommendation a requirement and require the employer to ensure the firing switch is placed at a minimum the distance parameters that are currently recommended. This

proposal will have no effect on the regulated public as it is industry practice to ensure the existing recommendations are followed.

Section 8550. Auxiliary Switches.

Existing subsection (a) requires one or more auxiliary switch at the beginning of each branch circuit of the permanent leading wires.

Existing subsection (b) requires the auxiliary switch(es) to be the same as described in Section 8549 except that they need not be fused.

Subsections (a) and (b) are proposed for repeal as their provisions are already contained in Section 5301(a) and (b) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

Section 8551. Permanent and Temporary Leading Wires.

Existing subsection (a) requires all leading wires to be of copper or aluminum of a specified type and number.

Existing subsection (b) requires permanent leading wires to be installed in conduit or strung on insulators, kept at least 5 inches apart.

Existing subsection (c) requires the conductor used to close the air gap to be "S" cable or equivalent.

Existing subsection (d) is specific to the capacity and wire gage to be used for the leading wires.

Existing subsection (e) requires that all splice be insulated and intrinsically safe.

Included in existing Section 8551 are two diagrams for recommended power firing systems for series and parallel series firing, one with and one without a circuit interrupter.

Subsections (a) through (e) and the two diagrams are proposed for repeal as their provisions are contained in Section 5302(a) through (e) and the two diagrams of Section 5302 of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

Section 8552. Blasting Procedure with Power and Light Circuits.

Existing subsection (a) requires that the keys for auxiliary and firing switches be under the control of the licensed blaster.

Subsection (a) is proposed for repeal as its provisions are contained in existing Section 5304 (a) of the GISO that is proposed for transfer to Section 5299 as new subsection (k) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (b) requires that the auxiliary switch is in the "off" position, the air gap is open, the short circuiting device is in place, and the firing switch

is locked in the "off" position before connecting the leading wires to the leg wires.

Subsection (b) is proposed for repeal as its provisions are already contained in Section 5304(a) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (c) requires that temporary leading wires be tested prior to attaching to the leg wires for the presence of stray electric current with an instrument designed for that purpose. The stray current, if detected, is to be eliminated before attachment is made.

Subsection (c) is proposed for repeal as its provisions are already contained in Section 5304(c) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (d) requires all persons to leave the blast area to a safe location before connecting the leading wires.

Subsection (d) is proposed for repeal as its provisions are already contained in Section 5304(d) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (e) indicates when the area is clear of all people, the person responsible for firing may prepare the switch for firing.

Subsection (e) is proposed for repeal as its provisions are already contained in Section 5304(e) of the GISO and therefore, will have no effect on the regulated public.

Existing subsection (f) prohibits reentry into underground blast areas for at least 15 minutes after primary blasting.

Subsection (f) is proposed for repeal as its provisions are contained in existing Section 5304(f) of the GISO that is proposed for transfer to Section 5291(k) of the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are already contained in the GISO.

Existing subsection (g) requires post-blast locking of all switches in the "off" position and the leading wires be disconnected from the power source.

Subsection (g) is proposed for repeal as its provisions are contained in existing Section 5304(g) of the GISO that is proposed for transfer to proposed Section 5304(f) with revisions that are explained in the GISO. Therefore, this proposal will have no effect on the regulated public as these provisions are contained in the GISO.

Existing subsection (h) requires that in the event of a shot failure, the firing switch is locked in the "off" position; the air gap is opened; and the blaster waits at least 30 minutes before proceeding to the auxiliary switch, locking it in the "off" position, and entering the blast area.

Subsection (h) is proposed for repeal as its provisions are contained in Section 5304(g) of the GISO and therefore, will have no effect on the regulated public.

Section 8553. Blasting with Batteries, Blasting Devices, and Blasting Machines.

Existing subsection (a) requires the batteries and accessories for blasting operations be assembled in one unit. The units are to be acceptable to the Division and have no exposed live terminals.

Also included in existing subsection (a) is a “NOTE” stating that the Division may accept battery blasting devices approved by the listed institutions.

Existing subsection (b) requires that the blaster be in charge of the blasting machine and equipment. Only the blaster will connect the leading wires to the battery housing.

Existing subsection (c) prohibits the leading wires to be connected to the blasting machine or battery until all necessary steps and safeguards have been done.

Existing subsection (d) requires the blaster to reverse the connecting process immediately after firing the round.

Subsections (a) through (d) are proposed for repeal as their provisions are contained in Section 5299(b) and Section 5305(a) through (c) of the GISO, respectively. Therefore, the proposed action will have no effect on the regulated public.

The “NOTE” to subsection (a) is proposed for repeal as it is informational only and states the Division “may” accept battery-blasting devices approved by recognized institutions. This proposal will have no effect on the regulated public as it is permissive.

Section 8554. Electric Blasting in Proximity with Radio Transmitters.

Existing subsection (a) requires that a sign with a specific legend, with 4 inch lettering, and 5/8 inch stroke on a contrasting background be displayed prior to installation of electric sensitive devices.

A “NOTE” is included in existing subsection (a) referencing the USDOT for specific sign requirements.

Existing subsection (b) requires signs to be posted approximately 1,000 feet from the blasting area on all public access.

Existing subsection (c) contains 5 tables with minimum distances that an operating mobile or fixed radio, television, or radar transmitter may be located from electric blasting operations.

Also included in existing Section 8554 is information on the recommended tables of distances.

Subsections (a) through (c) and the accompanying tables are proposed for repeal as their provisions are contained in Section 5306(a) through (c) and Tables 1 through 5 of the GISO, respectively. In addition, the

information on the recommended tables of distances is proposed for repeal as it is contained in Section 5306 as a proposed “NOTE” of the GISO. Therefore, these proposals will have no effect on the regulated public.

Article 24. Licensing of Blasters.

Section 8560. Competency of Blasters.

Existing subsection (a) requires a licensed blaster for blasting operations within the scope of these orders.

Subsection (a) is proposed for transfer to Section 5238(a) of the GISO. This proposal will have no effect on the regulated public as Labor Code, Section 7990 and the California Occupational Safety and Health Regulations, Section 344.20, already require the issuance of a blaster’s license.

Existing subsection (b) requires a licensed blaster to be physically present where the blasting operations are taking place. Also, the blaster is to direct and supervise the operation. The regulation then describes the incidentals involved in the blasting operation.

Subsection (b) is proposed for transfer to Section 5238(a) of the GISO. This proposal will have no effect on the regulated public as Labor Code, Section 7990 limits the use of explosives to persons licensed by the Division. Further, Section 5238 requires the use of explosives to be under the supervision of a competent person. A “competent” person is defined as someone who is qualified as stated in Section 5237. The definition of “qualified” is further defined as “a person . . . is properly licensed in accordance with federal, state or local laws and regulations” as stated in Section 3207.

Existing subsection (c) permits a reasonable number of persons at least 18 years old to work under the direct supervision of the licensed blaster for the purpose of obtaining the necessary experience to qualify for a Blaster’s License.

Subsection (c) is proposed for transfer to Section 5238(c)NOTE and Section 5276(g)EXCEPTION of the GISO. This proposal will have no effect on the regulated public as Section 5238 already permits persons 18 years or older to work under the supervision of a competent person, who, as defined by Sections 5237 and 3207, is to be licensed.

Section 8561. Blaster’s License—Qualifications.

Existing Section 8561 states every person requesting a blaster’s license shall meet the specified criteria.

This statement is proposed for transfer to Section 5238(f) of the GISO. This proposal will have no effect on the regulated public as it merely directs the reader to listed requirements.

Existing subsection (a) requires the applicant to be at least 21 years old.

Subsection (a) is proposed for transfer to Section 5238(f)(1) of the GISO. This proposal will have no effect on the regulated public as existing Section 5238(b) of the GISO already is specific that the person in charge is to be at least 21 years of age.

Existing subsection (b) requires the applicant to be able to understand and communicate understandably.

Subsection (b) is proposed for transfer to Section 5238(c) of the GISO. This proposal will have no effect on the regulated public as it merely expands on Section 3203(a)(3), the requirement for an injury and illness prevention program, by which all affected employees are to be communicated with in a manner that is readily understandable to the employees.

Existing subsection (c) requires the applicant to furnish proof of being proficient in the knowledge and use of explosives and ancillary equipment or furnish proof of at least three years of experience as an assistant to a licensed blaster.

Subsection (c) is proposed for transfer to Section 5238(d)(1) and (f)(2). This proposal will have no effect on the regulated public as California Occupational Safety and Health Regulations, Section 344.20, already contains similar requirements stating that the applicant must furnish proof of experience.

Existing subsection (d) requires the applicant to be of good moral character and physical condition as to not interfere with the performance of the duties and ability to direct/conduct blasting operations.

Subsection (d) is proposed for transfer to Section 5238(b), except for the language of the regulation that states the applicant must be of good moral character. This proposal will have no effect on the regulated public as it merely incrementally expands on the California Occupational Safety and Health Regulations, Section 344.22, in which the Division may revoke a license based on the competency of the blaster. The provision that states the applicant must be of good moral character is proposed for repeal as it is undefined as to what is considered "good moral character" and therefore, this provision is vague. This proposal will have no effect on the regulated public.

Section 8562. Blaster's License—Application and Examination.

Existing subsection (a) requires a completed application form to be submitted to the Division.

Existing subsection (b) requires the Division to evaluate the application based on the information given.

Existing subsection (c) requires the applicant to pass a written and oral examination that relates to the license classification requested. A field test may be considered necessary.

Existing subsection (d) contains the class, category, and description of the applicable classifications.

Existing subsection (e) permits the Division to place limitations on the blaster's license.

Existing subsection (f) prohibits transferring the blaster's license.

Subsections (a) through (f) are proposed for repeal as the provisions of these regulations are contained in Section 344.20(a) through (f) of the California Occupational Safety and Health Regulations, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 8563. Expiration and Renewal.

Existing subsection (a) states the blaster's license is valid for a period of 5 years with renewal privileges.

Existing subsection (b) requires the renewal application to be administered in the same manner as an original blaster's license. The examination is required every five years.

Subsections (a) and (b) are proposed for repeal as the provisions of these regulations are already contained in Section 344.21(a) and (b) of the California Occupational Safety and Health Regulations, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 8564. Custody of Blaster's License.

Existing subsection (a) requires that the blaster's license be presented by the blaster to the employer as evidence of qualifications.

Existing subsection (b) requires the blaster to display the blaster's license upon request for inspection by the Division or other enforcement officials.

Subsections (a) and (b) are proposed for transfer to Section 5238(a) and (e) of the GISO, respectively. This proposal will have no effect on the regulated public as it merely expresses the employer's responsibilities under the Cal/OSHA Act to ensure the appropriate Labor Code and Title 8 requirements are being met. Further, the Division and other enforcement agencies have the authority to request that a license be displayed upon request.

Section 8565. Blasting Accident Reports and Procedures.

Existing Section 8565 contains reporting requirements for employers should there be a blasting accident or unusual occurrence affecting the safety of employees in which explosives are involved.

Existing subsection (a) requires that the Division be notified within 24 hours of the incident.

Existing subsection (b) requires that the report identifies the blasters involved and the employees injured. The type of explosives and method of initiation are to be identified. An account of the incident shall be prepared.

Existing subsection (c) states that if a serious injury occurs, then the blasting operation will be discontinued until the Division has completed its investigation or authorized the resumption of work.

Existing subsection (d) requires the employer to notify the Division if the holder of the blaster's license is guilty of a breach of the provisions of this Article.

Existing subsection (e) prohibits the employer to direct the blaster to perform a blasting operation that violates a Title 8 regulation.

Subsections (a) through (c) are proposed for transfer to new Section 5248(a) through (c) of the GISO, respectively. This proposal will have no effect on the regulated public as all incidents and blasting accidents are currently required to be reported to the Division under the CSO, MSO, and TSO. Additionally, the local authorities having jurisdiction are to be informed (i.e. State Fire Marshal, Sheriff's Department, etc.)

Subsections (d) and (e) are proposed for repeal. The provisions of subsections (d) and (e) are already required by Labor Code, Section 6403 and Section 3203 of the GISO, and therefore, this proposed action will have no effect on the regulated public.

Section 8566. Suspension—Blaster's License.

Existing subsection (a) gives reasons for which the Division may suspend a blaster's license. Grounds for suspension may include questions of competency or violations of Title 8 regulations.

Existing subsection (b) requires a notice be given and a hearing held before suspending or revoking a license.

Existing subsection (c) states that should the blaster's license be suspended or revoked, the individual is prohibited from applying for a new license for a period of six months.

Subsection (a) through (c) are proposed for repeal as these provisions are already contained in Section 344.22(a) through (c) of the California Occupational Safety and Health Regulations, respectively. Therefore, this proposed action will have no effect on the regulated public.

Section 8567. Labor Code Excerpts.

Existing Section 8567 refers to Appendix "B".

This information is proposed for repeal as it references an appendix in the Tunnel Safety Orders which is proposed for repeal. Therefore, this proposal will have no effect on the regulated public.

Section 8568. Blaster's License Fees.

Existing Section 8568 directs the reader to Chapter 3.2, Group 2, Title 8, California Code of Regulations, which are the Occupational Safety and Health Regulations, adopted and enforced by the Division. This paragraph also states that the blaster's license fees are reprinted in Appendix C of these orders.

This section is proposed for repeal as it is informational only and directs the regulated public to reprints and therefore, is not a regulation. Also, this section is proposed for repeal as this information is already contained in Labor Code, Section 7991. Therefore, this proposed action will have no effect on the regulated public.

DOCUMENTS INCORPORATED BY REFERENCE

1. Institute of Makers of Explosives, Safety Library Publication No. 22, RECOMMENDATIONS FOR THE SAFE TRANSPORTATION OF DETONATORS IN A VEHICLE WITH CERTAIN OTHER EXPLOSIVE MATERIALS, May 1993, pages 1-16.
2. The Fertilizer Institute, Definition and Test Procedures for Ammonium Nitrate Fertilizer, August 1984, pages 1-12.

These documents are too cumbersome or impractical to publish in Title 8. Therefore, it is proposed to incorporate these documents by reference. Copies of these documents are available for review during normal business hours at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California, 95833.

COST ESTIMATES OF PROPOSED ACTION

Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action for the reasons already discussed (see "Identified Alternatives That Would Lessen Adverse Impact on Small Businesses").

Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate".

Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed regulations do not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, these regulations do not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (*County of Los Angeles v. State of California* (1987) 43 Cal.3d 46.)

These proposed regulations do not require local agencies to carry out the governmental function of providing services to the public. Rather, the regulations require local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, these proposed regulations do not in any way require local agencies to administer the California Occupational Safety and Health program. (See *City of Anaheim v State of California* (1987) 189 Cal.App.3d 1478.)

These proposed regulations do not impose unique requirements on local governments. All employees—state, local and private—will be required to comply with the prescribed standards.

EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses.

ASSESSMENT

The adoption of the proposed amendments to these regulations will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

REASONABLE ALTERNATIVES CONSIDERED

Our Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention

of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The above proposals do not contain building standards as defined by Health and Safety Code Section 18909.

A copy of the proposed changes in STRIKEOUT/ UNDERLINE format is available upon request made to the Occupational Safety and Health Standard Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, CA 95833, (916) 274-5721. Copies will also be available at the Public Hearing.

An INITIAL STATEMENT OF REASONS containing a statement of the purpose and factual basis for the proposed actions, identification of the technical documents relied upon, and a description of any identified alternatives has been prepared and is available upon request from the Standards Board's Office.

Notice is also given that any interested person may present statements or arguments orally or in writing at the hearing on the proposed changes under consideration. It is requested, but not required, that written comments be submitted so that they are received no later than August 9, 2002. The official record of the rulemaking proceedings will be closed at the conclusion of the public hearing and written comments received after 5:00 p.m. on August 15, 2002 will not be considered by the Board unless the Board announces an extension of time in which to submit written comments. Written comments should be mailed to the address provided below or submitted by fax at (916) 274-5743 or e-mailed at oshsb@hq.dir.ca.gov. The Occupational Safety and Health Standards Board may thereafter adopt the above proposal substantially as set forth without further notice.

The Occupational Safety and Health Standards Board's rulemaking file on the proposed actions including all the information upon which the proposals are based are open to public inspection Monday through Friday, from 8:30 a.m. to 4:30 p.m. at the Standards Board's Office, 2520 Venture Oaks Way, Suite 350, Sacramento, California 95833.

The full text of proposed changes, including any changes or modifications that may be made as a result of the public hearing, shall be available from the Executive Officer 15 days prior to the date on which the Standards Board adopts the proposed changes.

Inquiries concerning either the proposed administrative action or the substance of the proposed changes may be directed to John D. MacLeod, Executive Officer, or Michael Manieri, Principal Safety Engineer, at (916) 274-5721.

You can access the Board's notice and other materials associated with this proposal on the Standards Board's homepage/website address which is <http://www.dir.ca.gov/oshsb>. Once the Final Statement of Reasons is prepared, it may be obtained by accessing the Board's website or by calling the telephone number listed above.

TITLE 8. WORKERS' COMPENSATION APPEALS BOARD

RULES OF PRACTICE AND PROCEDURE

TITLE 8. CALIFORNIA CODE OF REGULATIONS, SECTIONS 10300 THROUGH 10999

NOTICE IS HEREBY GIVEN that the Workers' Compensation Appeals Board, hereafter "WCAB," pursuant to the authority vested in it by Labor Code §§ 133 and 5307, proposes to amend, adopt, and repeal rules of practice and procedure in Title 8, Chapter 4.5, Subchapter 2 of the California Code of Regulations, commencing with Section 10300.

Pursuant to Government Code § 11351, the WCAB is not subject to Article 5 of the Administrative Procedures Act (commencing at Government Code § 11346), Article 6 (commencing at § 11349), Article 7 (commencing at § 11347.9), or Article 8 (commencing at § 11350), with the exception of § 11346.4(a)(5). The rulemaking proceeding to amend the WCAB's Rules of Practice and Procedure is being conducted under the WCAB's rulemaking power under Labor Code § 5307 and is subject to the procedural requirements of § 5307.4. This Notice of Proposed Rulemaking, and accompanying Initial Statement of Reasons are being prepared to comply with the procedural requirements of Labor Code § 5307.4 and for the convenience of the regulated public to assist the regulated public in analyzing and commenting on this non-APA rulemaking proceeding.

PUBLIC HEARING

A public hearing has been scheduled to permit all interested persons the opportunity to present statements or arguments, oral or in writing, with respect to the above noted subject on the following date:

Date: August 21, 2002 (Wednesday)
Time: 10:00 a.m. to 5:00 p.m. or Conclusion of Business
Place: Hearing Room 9
Hiram Johnson Building
San Francisco Civic Center Complex
Conference Center—Basement Level
455 Golden Gate Avenue
San Francisco, CA 94102

Please note that public comment will begin promptly at 10:00 a.m. and will conclude when the last speaker has finished his or her presentation. If public comment concludes before the Noon recess, no afternoon session will be held. The WCAB requests, but does not require, that any persons who make oral comments at the hearing also provide a written copy of their comments.

AUTHORITY AND REFERENCE

The WCAB is undertaking this regulatory action pursuant to the authority vested in it by Labor Code Sections 133 and 5307, to adopt regulations to implement, interpret and make specific various sections of the Labor Code.

INFORMATIVE DIGEST AND POLICY STATEMENT OVERVIEW

The WCAB proposes to add, amend, and repeal specific sections of its Rules of Practice and Procedure as set forth below:

Section Amended: 10301.

Various subsections of Section 10301 are renumbered so that the definitions remain in alphabetical order.

The definition of "Administrative Director" is added for clarity and consistency.

The spelling change in the definition of "Appeals Board" is for consistency with Appeals Board decisions.

The term "application" is given the same definition as the term "Application for Adjudication," consistent with the use of those terms in the rules. There is an additional nonsubstantive change to conform to modern standards of English usage.

The definition of "conference hearing" is deleted as unnecessary because all of the types of conferences are separately defined.

The term "Declaration of Readiness" is given the same definition as the term "Declaration of Readiness to Proceed," consistent with the use of those terms in the rules.

The definition of "Declaration of Readiness to Proceed to Expedited Hearing" is added to conform to Labor Code 5502(b), and § 10136 of the Administrative Director's rules, which is being amended concurrently.

The definition of the term to "file" is added to clarify the meaning of this term in the rules.

The definition of "hearing" is added to clarify the meaning of this term in the rules.

Nonsubstantive changes in the definition of the term "lien claimant" include a change in capitalization for consistency and correction of a punctuation error.

The definition of “mandatory settlement conference” is added to clarify the meaning of this term in the rules.

The definition of the term “party” is amended to include lien claimants when the injured worker’s case has settled or the worker chooses not to pursue the case.

The definition of “proceeding” is deleted as unnecessary based on the proposed definition of the term “hearing.”

The definition of “priority conference” is added to define this term, which is used in Labor Code § 5502(c), effective January 1, 2003.

The term “rating pre-trial” is amended to “rating mandatory settlement conference” and a requirement is added that the only unresolved issues at a rating mandatory settlement conference are permanent disability and the need for future medical treatment. Other nonsubstantive changes include deletion of the word “hearing” as unnecessary, correction of an error of omission, and updating a reference to an organizational component of the Division.

The definition of the term “record of proceedings” is amended to include an arbitrator’s file, if one exists. There is also a nonsubstantive change in capitalization for consistency.

The definition of the term “regular hearing” is amended to be equivalent to the term “trial” and the term “trial” takes on the previous definition of the term “regular hearing.” There is an additional nonsubstantive change in capitalization for consistency.

The definition of the term to “serve” is added to clarify the meaning of this term in the rules.

The definition of “standby calendar” is deleted as unnecessary because only one district office of the WCAB of twenty-six is known to use standby calendars and it can continue to do so where the parties consent without the need for regulations establishing the procedure.

The definition of “status conference” is added to include conferences under Labor Code § 5502(c), effective January 1, 2003, as well as conferences not otherwise defined.

The definition of “trial” is added, taking on the previous definition of the term “regular hearing.”

Section Amended: 10306.

Section 10306 is amended to substitute a reference to the computer database for an index of cases, which no longer exists, and to clarify that the database is that of the Division of Workers’ Compensation rather than

the WCAB. There is also a nonsubstantive change for clarity and the title of the section is changed to conform to its contents.

Section Amended: 10308.

Section 10308 is amended to specify that the official address record in each case shall include the names and addresses of lien claimants. There is an additional nonsubstantive change to conform to modern standards of English usage.

Section Amended: 10322.

Section 10322 is amended to delete the reference to one of the Administrative Director’s rules in order to make applicable all of the Administrative Director’s rules concerning the payment of fees for certified copies of records.

Section Amended: 10324.

Section 10324 is amended to require lien claimants to serve on the parties copies of documents that they file and prohibit lien claimants from engaging in ex parte communications with a judge concerning the merits of a pending case. In addition, language is added to allow exceptions to be prescribed in other sections of the rules.

Section Amended: 10340.

Section 10340 is amended to avoid any implication that workers’ compensation judges do not have the power to conduct proceedings for contempt or sanctions. There is also a nonsubstantive change to conform to modern standards of English usage.

Section Proposed: 10341.

Section 10341 is proposed to provide that en banc decisions of the Appeals Board are binding legal precedent.

Section Amended: 10346.

Section 10346 is amended to clarify that the presiding judge is responsible for assignment of all cases and to allow reassignment of cases where the assigned judge is unavailable. The existing text is renumbered as subsection (a) and a new subsection (b) is added to provide that, in cases where settlements have not been acted upon within 45 days, the file shall be transferred to the presiding judge for review. There are also nonsubstantive changes to conform to modern standards of English usage.

Section Proposed: 10347.

Section 10347 is proposed to require that, where practicable, different judges shall conduct the trial and the mandatory settlement conference or conferences under new Labor Code § 5502(c), effective January 1, 2003.

Section Amended: 10348.

Section 10348 is amended to clarify that a workers’ compensation judge has full authority over any case

assigned to him or her. There are also nonsubstantive changes to conform to modern standards of English usage.

Section Proposed: 10349.

Section 10349 is proposed to provide that an order with a clause rendering it null and void if an objection to it is filed within ten days is equivalent to a 10-day notice of intention to submit.

Section Amended: 10350.

Section 10350 is amended to substitute the current term "trial" for the former term "regular hearing" in the text and in the title of the section, consistent with the amendments to the definitions in Section 10301 and common usage by the regulated public.

Section Amended: 10351.

Section 10351 is amended to revise references to types of proceedings held by the Appeals Board, deleting references to conference pretrials and standby calendars, and adding mandatory settlement conferences, rating mandatory settlement conferences, and status conferences. There are also nonsubstantive changes for clarity and to conform to modern standards of English usage.

Section Amended: 10353.

Section 10353 is amended to specify that, upon a showing of good cause, a judge may continue a case to another mandatory settlement conference, continue it to a status conference, or take the case off calendar. That section is also amended to require that the judge note the reason for his or her action in the minutes, and that the minutes be served on all parties and lien claimants, and their representatives. Other nonsubstantive changes include deletion of references to settlement conference referees because the Division no longer employs referees, renumbering to divide the section into subsections (a) through (c), changes in references to subsections of Labor Code § 5502, which has been renumbered effective January 1, 2003, and correction of a duplicated word error.

Section Amended: 10360.

Section 10360 is amended to delete a reference to a section of the regulations that was repealed in 1996 and to conform to modern standards of English usage.

Section Amended: 10364.

Section 10364 is amended to establish that lien claimants become parties, and therefore have the rights of parties, after an injured worker has resolved his or her case, or chooses not to proceed with the case.

Section Amended: 10380.

Section 10380 is amended to delete the reference to settlement conference referees because referees are no longer employed by the Division of Workers' Compensation.

Section Amended: 10390.

Section 10390 is amended to include references to the section of the regulations that concerns petitions for removal. In addition, it is amended to clarify that documents that are improperly sent to a district office may be discarded.

Section Proposed: 10391.

Section 10391 is proposed to allow the filing of a copy of a document, rather than the original, and establish the burden of proof if the accuracy of the copy is challenged. This section also provides that documents may not be filed by fax or e-mail.

Section Amended: 10392.

Section 10392 is amended to allow quotations in pleadings, petitions, and briefs to be single-spaced, and to conform to modern standards of English usage.

Section Amended: 10395.

Section 10395 is amended to add two items to the list of documents that shall not be filed, proofs of service ordered under § 10500, and medical reports except as required by other sections. In addition, it is amended to provide that improperly filed documents may be discarded.

Section Amended: 10396.

Section 10396 is amended to delete language referring to a procedure applicable only to cases in which the injury occurred during 1990 through 1993, to require parties and lien claimants to advise the other parties and lien claimants of any change of address, and to require lien claimants to advise the parties of any change in name or telephone number of the person with authority to resolve the lien on behalf of the lien claimant.

Section Amended: 10400.

Section 10400 is amended to delete language specifying a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases, to conform to current usage by the regulated public, and to conform to modern standards of English usage.

Section Amended: 10402.

Section 10402 is amended to delete language referring to a procedure applicable only to cases in which the injury occurred during 1990 through 1993.

Section Amended: 10404.

Section 10404 is amended to conform to modern standards of English usage and to delete punctuation added in error.

Section Amended: 10405.

Section 10405 is amended to refer to renumbered sections of the Government Code, to add other similar sections of the Government Code to include additional parties who may request a findings of fact, and to add

an additional section of the Labor Code, which was enacted effective September 23, 1994. An additional nonsubstantive change is made to correct a capitalization error.

Section Repealed: 10406.

Section 10406 is repealed because it specifies a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases, and the Appeals Board has determined that those few cases that remain should follow the same procedures as other cases.

Section Renumbered: 10407.

Section 10407 is renumbered as 10583 so that it is located near other regulations on similar topics.

Section Amended: 10408.

Section 10408 is amended to delete language that provides for designating venue on the Application for Adjudication or an attached document, to add language specifying that the initial venue of a case is the district office in which the Application for Adjudication is filed pursuant to § 5505.1, to delete language specifying a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases, and to delete other language that is superfluous.

Section Proposed: 10410.

Section 10410 is proposed to allow an objection to venue on the same basis as is allowed under Labor Code § 5501.5(c), which can no longer be used due to the repeal of § 5401.5, effective January 1, 1994.

Section Proposed: 10411.

Section 10411 is proposed to establish procedures for petitions for change of venue including the location where the petition is to be filed, a time limit for filing objections, and a time limit for action by the WCAB.

Section Proposed: 10412.

Section 10412 is proposed to establish which district office shall have custody of the case file after an order changing venue has issued.

Section Amended: 10414.

Section 10414 is amended to delete language specifying a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases, to delete references to pre-trial conferences and regular hearings and to add references to mandatory settlement conferences, status conferences, and priority conferences, to conform the description of the organizational component prescribing forms to the definition in § 10301, to specify that status conferences and priority conferences do not require a declaration under penalty of perjury that the party is ready to proceed to trial, to delete the requirement that Declarations of Readiness be reviewed prior to the matter being set for hearing, to include sanctions under

Labor Code § 5813 as a remedy for a false declaration, to require Declarations of Readiness filed by all parties, not only injured workers, to be executed by their attorneys, and to clarify that none of the regulations prohibit the setting of a case on the Board's own motion. There is an additional nonsubstantive deletion for consistency with the definitions in § 10301.

Section Proposed: 10415.

Section 10415 is proposed to conform to Labor Code § 5502(b), which provides for filing of a declaration of readiness in order for a case to be set for expedited hearing. The proposed section also specifies that the WCAB may set an expedited hearing on its own motion.

Section Amended: 10416.

Section 10416 is amended to delete language specifying a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases, to increase the time for filing an objection to a Declaration of Readiness from six to ten days, to conform to modern standards of English usage, to include sanctions under Labor Code § 5813 as a remedy for a false declaration, to require objections to Declarations of Readiness filed by all parties, not only injured workers, to be executed by their attorneys, to delete any requirement that objections to Declarations of Readiness be reviewed prior to the matter being set for hearing, to provide that objections to proceeding shall be, rather than may be, deemed waived absent extraordinary circumstances if no objection is filed. Additional nonsubstantive revisions include a change in capitalization for consistency and changes for clarity, conciseness, and to conform to modern standards of English usage.

Section Amended and Renumbered: 10417.

Section 10417 is renumbered as 10420 to allow the insertion of a new § 10417. It is amended to delete references to the Labor Code § 5502, subsections (b) and (d), to delete language that is referring to a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases. Other nonsubstantive revisions include changes to correct an error in wording, and for clarity.

Section Proposed: 10417.

Section 10417 is proposed to establish a new procedure that allows parties or their attorneys to personally file Declarations of Readiness and be given hearing dates at that time. A party or attorney choosing to use this procedure is responsible for serving notice of the hearing on the other parties. Any objections to the Declaration of Readiness shall be considered by the judge at the time of hearing.

Section Amended and Renumbered: 10418.

Section 10418 is renumbered as 10430 to allow the insertion of a new § 10417 and amended to delete language establishing a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases, to require service of notice of medical examinations on both parties and their attorneys or representatives, for clarity, and to conform to modern standards of English usage.

Section Amended: 10440.

The title of § 10440 is amended to more accurately describe the contents of the section.

Section Amended: 10445.

Section 10445 is amended to delete language concerning dismissal of petitions for failure to state a claim with particularity and to correct a punctuation error.

Section Amended: 10447.

Section 10447 is amended to delete language concerning dismissal of petitions for failure to state a claim with particularity. In addition, the title is amended to more accurately describe the contents of the section.

Section Amended: 10450.

Section 10450 is amended to specify where petitions are to be filed, to specify that previously-filed documents should not be attached to petitions, and to allow the WCAB to discard documents that are improperly attached to a petition.

Section Amended: 10453.

Section 10453 is amended to clarify the rights of the parties concerning automatic reassignment of a case, to delete the requirement that a written affidavit be filed in order to exercise the right to automatic reassignment, to specify how the right is to be exercised, to specify the procedure after the right is exercised, for clarity and conciseness, and to conform to modern standards of English usage. The title is amended to more accurately describe the contents of the section.

Section Renumbered: 10454.

Section 10454 is renumbered as 10455 to allow the insertion of a new § 10454.

Section Proposed: 10454.

Section 10454 is proposed to provide for a right of automatic reassignment when a decision on an issue of the statute of limitations, jurisdiction, employment, or injury arising out of and in the course of employment has been reversed and remanded by the Appeals Board, and to establish procedures for exercising that right.

Section Amended: 10462.

Section 10462 is amended to specify that a failure to file a timely petition to terminate liability for continuing temporary disability indemnity may affect the defendants' right to credit for any overpayment, and to conform to modern standards of English usage.

Section Amended: 10464.

Section 10464 is amended to require that a computer printout of benefits be attached to a petition to terminate liability for temporary disability indemnity and delete the requirement that the petition specify the amounts and dates of payments. That section is also amended to require that a petition to terminate liability for temporary disability indemnity include a statement that an order terminating liability may, rather than will, issue unless an objection is filed within 14 days after service of the petition. Nonsubstantive changes include renumbering the subsections of § 10464, a wording change for clarity, correction of a punctuation error, and a change to conform to modern standards of English usage.

Section Amended: 10466.

Section 10466 is amended to require the filing of a Declaration of Readiness to Proceed to Expedited Hearing with any objection to a petition to terminate liability for temporary disability indemnity, to require that the matter be set for an expedited hearing, and to delete language that is made superfluous by those changes. Nonsubstantive changes include wording changes for clarity and to conform to modern standards of English usage.

Section Repealed: 10470.

Section 10470 is repealed, deleting the requirement that medical reports be filed and served; those requirements are addressed in § 10608.

Section Amended: 10480.

Section 10480 is amended to delete language specifying a different procedure for cases involving injuries occurring during 1990 through 1993 than for other cases, and to add a reference to proposed § 10415, which concerns Declarations of Readiness to Proceed to Expedited Hearing.

Section Amended: 10484.

Section 10484 is amended to use the term "proof" of service, which has a commonly understood meaning, in place of "statement" of service.

Section Amended: 10490.

Section 10490 is amended to prohibit the filing of petitions for judgment on the pleadings and petitions for summary judgment. The title of the section is amended to conform to the content of the section. A nonsubstantive change is made for clarity.

Section Amended: 10500.

Section 10500 is amended to delete language specifying a different procedure for cases involving injuries occurring during 1990 through 1993 than for other cases, to provide that notification of the case number assigned to the Application for Adjudication, rather than the affixing of the case number, constitutes service of a conformed copy in accordance with Labor Code § 5501, to allow the WCAB to designate the representative of a party or lien claimant to serve notices of hearing, to require that the person designated to serve a notice of hearing shall not file a proof of service unless ordered to do so, to delete the requirement that the WCAB serve notice of the first mandatory settlement conference, to delete references to settlement conference referees, who are no longer employed by the Division, and to delete language concerning disallowance or reduction of lien claims that is being moved to § 10886. Other nonsubstantive revisions include changes to conform to current usage by the regulated public, to correct grammar, to change capitalization for consistency, and for clarity.

Section Amended: 10501.

Section 10501 is amended to use the current name of the Death Without Dependents Unit rather than the unit's prior name, and to delete the requirement of service of the Application for Adjudication, compromise and release, or stipulations with request for award on the Death Without Dependents Unit where there is a surviving minor child and add a requirement of service by the filing party where there is a bona fide issue as to partial or total dependency. Other nonsubstantive amendments are for clarity and to conform to modern standards of English usage. The title of the section is changed due to the change in the name of the Unit.

Section Amended: 10505.

Section 10505 is amended to allow service of documents by fax where the parties agree to it.

Section Proposed: 10506.

Section 10506 is proposed to allow parties to pick up their mail from mailboxes maintained at district offices for outgoing mail, and to specify that the mail they pick up is deemed to have been served by mail.

Section Amended: 10507.

Section 10507 is amended to correct an error of omission and to specify that service by mail and fax is governed by the time requirements of Code of Civil Procedure § 1013(a).

Section Amended: 10514.

Section 10514 is amended to specify that a proof of service is to be filed with the documents that were served and that an improperly filed proof of service

may be discarded. Nonsubstantive changes include changes in capitalization for consistency, and a change for conciseness.

Section Amended: 10520.

Section 10520 is amended for conciseness.

Section Amended: 10534.

Section 10534 is amended for conciseness and to conform to modern standards of English usage.

Section Amended: 10536.

Section 10536 is amended to provide witness fees in accordance with the regulations of the Administrative Director of the Division of Workers' Compensation, to delete language that is confusing and unnecessary, for conciseness and clarity, and to conform to modern standards of English usage.

Section Amended: 10541.

Section 10541 is amended to delete language made unnecessary by the definition of the term "hearing" that is proposed for § 10301. Other nonsubstantive revisions include changes in capitalization for consistency and changes in wording for clarity. The title is amended to more accurately describe the contents of the section.

Section Amended: 10544.

Section 10544 is amended to delete the requirement that the name of the judge to whom a case is assigned appear on a notice of hearing. There is a nonsubstantive change in capitalization for consistency.

Section Amended: 10548.

Section 10548 is amended to provide that reassignment of cases under § 10346 shall be used to avoid continuances where possible. The language of the current section numbered as subsection (a) and a new subsection (b) is added to provide that a case shall be taken off calendar and no appearances shall be required where the parties represent that the case has settled. The title is changed to conform to the changes in the content of the section. Language concerning submission of all issues in a single proceeding is deleted but similar language is added to § 10560. There is also a nonsubstantive grammatical change.

Section Proposed: 10555.

Section 10555 is proposed to clarify the procedures under Labor Code § 5502(c), effective January 1, 2003, which provides for priority conferences in cases in which the injured worker is represented by an attorney and the issues include employment and/or injury arising out of and in the course of employment.

Section Amended: 10560.

Section 10560 is amended to delete the existing language as superfluous in light of other sections, particularly § 10548 and new language that is currently being proposed for § 10353(b). The section is

also revised to add essentially the same language that is deleted from § 10548, and to add additional language allowing a workers' compensation judge to bifurcate the issues in a case upon a showing of good cause. The title of the section is amended to conform to its contents.

Section Amended: 10561.

Section 10561 is amended to provide that failure to timely serve evidentiary documents shall be deemed an action that would be sanctionable under Labor Code § 5813. Nonsubstantive revisions include changes for clarity, conciseness, and to conform to modern standards of English usage.

Section Amended: 10562.

Section 10562 is amended to delete language referring to a procedure applicable only to cases in which the injury occurred during 1990 through 1993, and to specify the actions that a workers' compensation judge can take where a party fails to appear at a conference, where a lien claimant fails to appear at a conference or have someone with settlement authority available by telephone, where a lien claimant fails to appear at a trial, or where a lien issue has been deferred. The section is divided into subsections. Other nonsubstantive changes are made for clarity, conciseness, and to conform to modern standards of English usage.

Section Amended: 10563.

Section 10563 is amended to limit its application to mandatory settlement conferences and trials, and to add a requirement that lien claimants appear or have someone with settlement authority available by telephone. Other nonsubstantive changes are for clarity and to conform to current usage.

Section Amended: 10564.

Section 10564 is amended to be consistent with the Rules of the Administrative Director, Title 8, California Code of Regulations, § 9795.1 et seq. Other nonsubstantive changes include deletion of a reference to a Labor Code section that has been repealed, and changes for consistency in capitalization, consistency with the Labor Code, and to conform to modern standards of English usage.

Section Amended: 10566.

Section 10566 is amended to correct a punctuation error and conform to modern standards of English usage.

Section Amended: 10578.

Section 10578 is amended to delete language referring to a procedure that has fallen into disuse. There is an additional nonsubstantive change in grammar.

Section Amended: 10580.

Section 10580 is amended to conform to modern standards of English usage.

Section Amended: 10582.

Section 10582 is amended to allow the WCAB discretion in restoring a case to the active calendar after the filing of a Declaration of Readiness, and to provide that a case may be dismissed after issuance of a notice of intention to dismiss but not by an order of dismissal with a clause rendering the order null and void if an objection is filed. There is also a nonsubstantive change in capitalization for consistency.

Section Renumbered and Amended: 10590.

Section 10590 is renumbered as § 10589 to allow the insertion of a new § 10590. Language concerning consolidation of cases assigned to one district office is deleted from § 10591 and added to this section. Other nonsubstantive revisions include changes for conciseness and to conform to modern standards of English usage.

Section Proposed: 10590.

New § 10590 is proposed to establish the procedure for handling a petition to consolidate cases involving the same injured worker that are assigned to different district offices. Such cases are to be first referred to the presiding judges of the offices to which the cases are assigned and, if they cannot agree, the dispute is to be resolved by the court administrator, whose position is established by Labor Code § 138.1, effective January 1, 2003.

Section Amended: 10591.

Section 10591 is amended to apply to consolidation of cases involving more than one injured worker and to provide that any disputes shall be resolved by the court administrator, whose position is established by Labor Code § 138.1, effective January 1, 2003. Language concerning consolidation of cases assigned to one district office is deleted from this section and added to § 10589 (formerly 10590). The title is amended to be consistent with the contents of the section.

Section Amended: 10592.

Section 10592 is amended to delete as unnecessary the requirement of separate pleadings in consolidated cases, and to delete as unnecessary the requirement that the Board make sufficient copies of certain documents for filing and service in each of the consolidated cases. There are additional nonsubstantive changes for clarity.

Section Amended: 10600.

Section 10600 is amended to conform to modern standards of English usage.

Section Amended: 10601.

Section 10601 is amended to specify that videotapes constitute documents and provide that documents to be offered into evidence must be served on adverse parties no later than the mandatory settlement conference, rather than 20 days before the mandatory settlement conference. There are additional changes for clarity and conciseness. The title is amended to be consistent with the contents of the section.

Section Amended: 10602.

Section 10602 is amended to update references to an organizational component of the Division, to conform to terminology used by the Division for ratings issued in certain situations, to correct an error, for conciseness, and to conform to modern standards of English usage.

Section Amended: 10604.

Section 10604 is amended to conform to modern standards of English usage.

Section Proposed: 10605.

Section 10605 is proposed to allow the admission of copies of records made in the regular course of business and to establish the burden of proof where the accuracy of a copy is challenged.

Section Amended: 10606.

Section 10606 is amended to delete the requirement that party provide written notice 10 days before a hearing of his or her intent to present a medical witness. Nonsubstantive changes include changes for clarity and to conform to modern standards of English usage.

Section Proposed: 10607.

Section 10607 is proposed to require that defendants provide a computer printout of benefits paid within 20 days of a request, to place limits on the frequency of those requests, to specify the contents of the computer printout, and to require defendants to have a computer printout available for inspection at mandatory settlement conferences.

Section Amended: 10608.

Section 10608 is amended to require that parties serve copies of medical reports on other parties and lien claimants within six days of a request and thereafter within six days of receipt, and within six days of receipt of a Declaration of Readiness. The section is also amended to require that medical reports be filed with a Declaration of Readiness, a Declaration of Readiness to Proceed to Expedited Hearing, an objection to either, a compromise and release, or stipulations with request for an award, to require that other medical reports not be filed until the next hearing, and to provide that any report filed in violation of this section may be discarded. The section is also amended to delete language specifying a

different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases. Other nonsubstantive changes include renumbering the paragraphs to include subsections (a) through (f), changes for clarity and conciseness, changes to conform to modern standards of English usage. The title of the section is amended to be consistent with the contents of the section.

Section Repealed: 10609.

Section 10609 is repealed as unnecessary in light of the proposed changes to § 10608.

Section Repealed: 10610.

Section 10610 is repealed as unnecessary because the procedure has fallen into disuse.

Section Amended: 10615.

Section 10615 is amended to delete language concerning the duties of the parties to file and serve medical reports and adds language establishing that they have a continuing duty to serve each other. The title is amended to be consistent with the contents of the section.

Section Amended: 10616.

Section 10616 is amended to provide that records of an employee assistance program are not required to be filed or served unless ordered by the WCAB. There are additional nonsubstantive revisions to delete a reference to § 10609, which the WCAB is proposing to repeal, and a change to conform to modern standards of English usage.

Section Amended: 10618.

Section 10618 is amended by adding the contents of §§ 10619 and 10620, which are repealed. The title is amended to encompass the additional provisions. Another nonsubstantive change is a change in capitalization for consistency.

Section Repealed: 10619.

Section 10619 is repealed and its contents added to § 10618.

Section Repealed: 10620.

Section 10620 is repealed and its contents added to § 10618.

Section Amended: 10622.

Section 10622 is amended to delete language that is unnecessary because the deleted provisions are used infrequently and the remaining language is sufficient. There are additional changes for clarity and conciseness.

Section Amended: 10626.

Section 10626 is amended to clarify that the right to inspect documents is limited by Labor Code § 3762. Other nonsubstantive revisions include changes for clarity and conciseness, and to conform to modern standards of English usage.

Section Amended: 10630.

Section 10630 is amended to conform to modern standards of English usage.

Section Amended: 10631.

Section 10631 is amended to conform to modern standards of English usage.

Section Amended: 10632.

Section 10632 is amended to delete language that is unnecessary because it is the option of the parties to determine what evidence they wish to present.

Section Amended: 10633.

Section 10633 is amended to correct a grammatical error.

Section Repealed: 10700.

Section 10700 is repealed as unnecessary in that it is outdated.

Section Repealed: 10715.

Section 10701 is repealed as unnecessary in that there is no longer a Medical Bureau and the procedure referred to in the regulation has fallen into disuse.

Section Amended: 10718.

Section 10718 is amended to allow an exception to the prohibition against a party communicating with an appointed physician when the WCAB orders it. The section is also amended for clarity and conciseness.

Section Repealed: 10722.

Section 10722 is repealed as unnecessary in that there is no longer a Medical Bureau, a portion of the section is outdated, another portion is improper in that it precludes objections to the admission of evidence, and the remainder of the section is superfluous in light of proposed changes to section 10608.

Section Amended: 10727.

Section 10727 is amended to be consistent with an amendment to the Labor Code effective July 19, 1984.

Section Amended: 10740.

Section 10740 is amended to provide that a deputy commissioner of the Appeals Board may order that a transcript of a hearing be prepared.

Section Amended: 10750.

Section 10750 is amended to clarify that documents that have been filed but not received in evidence are not part of the evidentiary record. Other nonsubstantive revisions include changes in capitalization for consistency and a change for clarity.

Section Proposed: 10751.

Section 10751 is proposed to specify the meaning of the term "legal file" and provide that all medical reports shall be transferred to the legal file after approval of a compromise and release or stipulations with request for award.

Section Amended: 10753.

Section 10753 is amended to set forth who may inspect a WCAB file and what parts of the file they may inspect, and to provide that files that have been transferred to storage will be made available for inspection by someone who is not a party or an attorney for a party upon payment of the fee required by the Administrative Director rather than upon a showing of good cause. Other revisions include deletion of references to the Medical Bureau, which no longer exists, and independent medical examiners, a term no longer in use, and the substitution of the term qualified medical examiner. Other nonsubstantive changes are for clarity and conciseness, and to conform to modern standards of English usage.

Section Amended: 10754.

Section 10754 is amended to correct an error and to conform to modern standards of English usage.

Section Amended: 10758.

Section 10758 is amended to reduce the period that the WCAB must keep a file from 15 years to 5 years. Other nonsubstantive revisions include changes for clarity and to conform to modern standards of English usage.

Section Amended: 10762.

Section 10762 is amended to accurately describe current practice.

Section Amended: 10770.

Section 10770 is amended to include a provision allowing the electronic filing of liens, to require lien claimants whose liens are filed electronically to file liens in writing upon the filing of a Declaration of Readiness, compromise and release, or stipulations with request for award, or upon receipt of a notice of hearing, to require lien claimants to provide the name, mailing address and daytime telephone number of a person who will be available at the time of conferences and trials with authority to resolve the lien claim, to require lien claimants to continue to serve amendments to liens on the parties but prohibit them from filing amendments with the WCAB, to provide that amendments to liens that are improperly filed may be discarded by the WCAB, and to delete language that specifies a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases. The section is also amended to delete the requirement that the WCAB notify lien claimants when a settlement document is filed; concurrently, the WCAB is proposing to amend § 10886 to require that the parties provide notice to lien claimants of the filing of a settlement document. Other nonsubstantive revisions are to conform to current usage and for clarity.

Section Amended: 10771.

Section 10771 is amended for clarity.

Section Amended: 10772.

Section 10772 is amended to correct an error of omission.

Section Proposed: 10773.

Section 10773 is proposed to set forth the circumstances under which a non-lawyer employee of a law firm may appear on behalf of a party and sign settlement documents.

Section Amended: 10775.

Section 10775 is amended to delete references to settlement conference referees because they are no longer employed by the Division of Workers' Compensation.

Section Amended: 10776.

Section 10776 is amended to conform to modern standards of English usage.

Section Amended: 10779.

Section 10779 is amended to include attorneys who have been placed on involuntary inactive enrollment by the State Bar among those deemed unfit to represent a party before the WCAB. Other nonsubstantive changes are for clarity and to conform to current standards of English usage.

Section Amended: 10780.

Section 10780 is amended to provide that a case may not be dismissed by an order that includes a clause rendering the order null and void if an objection is filed.

Section Amended: 10820.

Section 10820 is amended to delete the requirement that a request for a certified copy of a final order or award state whether payments have been made and the amounts of any payments, and to delete the requirement that good cause be shown in order to obtain a certified copy of a final order or award. Other nonsubstantive revisions include changes for conciseness, and to conform to modern standards of English usage.

Section Amended: 10828.

Section 10828 is amended to conform to modern standards of English usage.

Section Amended: 10842.

Section 10842 is amended for conciseness, and to conform to modern standards of English usage.

Section Amended: 10843.

Section 10843 is amended to provide that petitions to remove that are sent to the wrong district office shall not be deemed to have been filed and may be discarded, to provide that no action by the Appeals Board is necessary if the petitioner withdraws a

petition to remove, and to require that, after a petition to remove is filed, the workers' compensation judge consult with the presiding judge before proceeding in a case or canceling or continuing a scheduled hearing. Other nonsubstantive revisions include renumbering the section by dividing it into subsections, and changes for clarity and consistency.

Section Amended: 10850.

Section 10850 is amended to add petitions for removal and petitions for disqualification, requiring that they be served in the same manner as petitions for reconsideration. The section is also amended for clarity and conciseness.

Section Amended: 10852.

Section 10852 is amended to substitute the terms "justify" and "justified" for "support" and "supported" to be consistent with Labor Code § 5903(c).

Section Amended: 10856.

Section 10856 is amended to conform to modern standards of English usage.

Section Amended: 10859.

Section 10859 is amended to specify that this section, which allows a workers' compensation judge to amend or rescind a decision after a petition for reconsideration has been filed, applies where the petition has been filed timely. The section is also amended to delete references to settlement conference referees, who are no longer employed by the Division.

Section Amended: 10860.

Section 10860 is amended to specify that a workers' compensation judge's report on a petition for reconsideration, removal, or disqualification is to be sent to the Appeals Board within 15 days after the filing of the petition and the report shall include a discussion of each contention raised by the petition. Other nonsubstantive revisions include changes for conciseness, and to conform to modern standards of English usage.

Section Amended: 10862.

Section 10862 is amended to conform to modern standards of English usage.

Section Amended: 10864.

Section 10864 is amended to conform to modern standards of English usage.

Section Amended: 10865.

Section 10865 is amended to specify that a petition for reconsideration of an arbitrator's decision shall be captioned so as to identify it as such, to require the petition to include the injured worker's name, date of birth, and social security number, to specify that the arbitrator's opinion shall set forth the rationale of the decision as to each contention raised by the petition, and to specify that the section applies to petitions filed under newly-enacted Labor Code § 3201.7(a)(1),

effective January 1, 2003. Other nonsubstantive revisions include changes for consistency and to conform to modern standards of English usage.

Section Amended: 10866.

Section 10866 is amended to require the parties to serve on the arbitrator any petition for reconsideration and answer to a petition for reconsideration, and to specify that §§ 10840 and 10842 apply to petitions for reconsideration of a decision of an arbitrator.

Section Amended: 10867.

Section 10867 is amended to specify that, after preparation of a report on a petition for reconsideration, the arbitrator is to forward the report and his or her file to the presiding judge, and the presiding judge is forward the arbitrator's file and WCAB file to the Appeals Board.

Section Repealed: 10868.

Section 10868 is repealed as unnecessary in that the Division no longer employs settlement conference referees.

Section Repealed: 10869.

Section 10869 is repealed as unnecessary in that the Division no longer employs settlement conference referees.

Section Amended: 10870.

Section 10870 is amended to conform to modern standards of English usage.

Section Amended: 10875.

Section 10875 is amended by capitalizing certain words for consistency.

Section Amended: 10878.

Section 10878 is amended to add the filing of stipulations with request for award as constituting the filing of an application. The title is changed to conform to the contents of the section. A nonsubstantive revision is a change to conform to modern standards of English usage.

Section Amended: 10882.

Section 10882 is amended to add a requirement that the WCAB inquire into the adequacy of stipulations with request for award. The title of the section is amended to be consistent with that change.

Section Amended: 10886.

Section 10886 is amended to require settlements (compromise and release agreements and stipulations) to be served on lien claimants in all cases, not only cases in which disallowance of a lien is proposed, to delete the requirement that documentary evidence be served on lien claimants where disallowance of the lien is proposed, and to delete the requirement that lien claimants object to disallowance of their liens within 15 days. Language concerning disallowance or reduction of lien claims that is deleted from § 10500 is

added to this section for better organization. Other nonsubstantive revisions include changes for clarity and conciseness

Section Proposed: 10888.

Section 10888 is proposed to require that a good-faith attempt be made to resolve liens before a settlement is approved, to specify that a good faith attempt requires at least one contact by telephone or letter, to require that judges take action to resolve any liens that remain unresolved after approval of a settlement, to allow one continuance of conference set to resolve liens after a settlement has been approved, and to specify that an agreement to "pay, adjust or litigate" a lien, or its equivalent, or an award that leaves a lien to be adjusted is not a resolution of the lien.

Section Proposed: 10890.

Section 10890 is proposed to specify that a walk-through document is one presented to a judge for immediate action, provide that most walk-through documents may be presented to a judge during conference and mandatory settlement conference calendars, to provide that parties may walk through compromise and releases, stipulations with request for award, certain petitions for attorney's fees, petitions to compel attendance at a medical examination or deposition, and petitions to stay an action pending a hearing, to require that each walk-through document be accompanied by a proof of service, to specify the actions that may be taken by the judge, to specify that walk-through documents must be presented to a judge at an office with venue, to require that a walk-through document be presented to the judge who has been handling the case if the judge has taken testimony or previously reviewed a settlement and declined to approve it, to require that an injured worker who is unrepresented be present at the time a settlement document is walked through or that the injured worker has reviewed the settlement with an Information and Assistance officer, and to require that district offices have staff available during certain hours to obtain files and create new files for walk-through cases.

Section Amended: 10940.

Section 10940 is amended to correct the title of the Division.

Section Amended: 10942.

Section 10942 is amended to correct the title of the Division and the title of an organizational component.

Section Repealed: 10944.

Section 10944 is repealed as unnecessary in that there is no need to provide a different notice period for hearings involving the Subsequent Injuries Fund.

Section Amended: 10946.

Section 10946 is amended to require service of medical reports no later than the mandatory settlement conference, rather than 30 days prior to a hearing, and to correct the title of the Division.

Section Amended: 10950.

Section 10950 is amended to reverse the order of the paragraphs, to renumber the section by designating the paragraphs as subsections (a) and (b), to delete the last sentence of the former first paragraph as unnecessary because the procedure referred to is not used, to correct an erroneous reference to a regulation of the Administrative Director, to amend the references to subsections of a regulation of the Administrative Director to reflect the renumbering of that section, reduce the time for appeal to 20 days to be consistent with other appeal periods, to require that a petition be filed at the proper district office, and to specify that appeals under new subsection (a) shall be referred to a workers' compensation judge without the need to refer the case to the Appeals Board.

Section Amended: 10952.

Section 10952 is amended to require that an Appeal of Notice of Compensation Due be accompanied by a Declaration of Readiness and an Application for Adjudication, if one has not been previously filed, to provide that the case number assigned to the Application for Adjudication shall be assigned to the appeal, and for consistency and to conform to the definitions in § 10301. Other nonsubstantive revisions include deletions for conciseness.

Section Proposed: 10953.

Section 10953 is proposed to specify that a defendant appealing a notice of penalty assessment under Labor Code § 129.5(g) shall file a petition and Declaration of Readiness at the nearest district office of the WCAB or at the San Francisco district office if the petitioner is domiciled out of state, that the petitioner shall attach a copy of the notice of penalty assessment and any other evidence it wishes to submit, that the petitioner shall serve upon the Administrative Director copies of all documents filed, that the defendant and the Administrative Director may stipulate to submit the matter without testimony at the mandatory settlement conference, and that, otherwise, the matter will be set for trial.

Section Amended: 10955.

Section 10955 is amended to require that a petition appealing a decision of the Rehabilitation Unit set forth the reason for the appeal, to require that it be accompanied by a Declaration of Readiness and an Application for Adjudication, if one has not already been filed, to delete language that specifies a different procedure for cases in which the injury occurred

during 1990 through 1993 than for other cases, to delete language made obsolete by the amendment of Labor Code § 5275, effective January 1, 2003, to add the contents of § 10956, which is being repealed, and to capitalize the title of an organizational component of the Division for consistency.

Section Repealed: 10956.

Section 10956 is repealed as unnecessary, the content of that section having been added to § 10955, with the exception of the requirement that a party receiving an appeal of a decision of the Rehabilitation Unit file any documents it deems relevant within five days.

Section 10956 is repealed as unnecessary, the content of that section having been added to § 10955, with the exception of the five-day time limit for a party opposing an appeal of a decision of the rehabilitation unit to file any documents it deems relevant.

Section Amended: 10957.

Section 10957 is amended to conform to the current title of an organizational component of the Division, and change capitalization for consistency.

Section Amended: 10958.

Section 10958 is amended to conform to the current title of an organizational component of the Division.

Section Repealed: 10960.

Section 10960 is repealed as unnecessary because its purpose is to implement a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases.

Section Repealed: 10961.

Section 10961 is repealed as unnecessary because its purpose is to implement a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases.

Section Repealed: 10963.

Section 10963 is repealed as unnecessary in light of the addition of the definition of the term "Administrative Director" in § 10301.

Section Repealed: 10964.

Section 10964 is repealed as unnecessary in that the organizational component of the Division referred to in this rule has been renamed.

Section Repealed: 10966.

Section 10966 is repealed as unnecessary because it specifies a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases.

Section Repealed: 10967.

Section 10967 is repealed as unnecessary because it specifies a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases.

Section Repealed: 10984.

Section 10984 is repealed as unnecessary in that there is no longer a Medical Bureau and all references to it are being deleted.

Section Repealed: 10987.

Section 10987 is repealed as unnecessary because it specifies a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases.

Section Repealed: 10987.1.

Section 10987.1 is repealed as unnecessary because it specifies a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases.

Section Repealed: 10987.2.

Section 10987.2 is repealed as unnecessary because it specifies a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases.

Section Repealed: 10987.3.

Section 10987.3 is repealed as unnecessary because it specifies a different procedure for cases in which the injury occurred during 1990 through 1993 than for other cases.

Section Amended: 10995.

Section 10995 is amended to delete language made obsolete by the amendment of Labor Code § 5275, effective January 1, 2003, and to specify that the parties will provide the necessary materials to the arbitrator and the WCAB file will remain in the custody of the district office. Other nonsubstantive revisions include a change in punctuation for consistency and changes to conform to modern standards of English usage.

Section Amended: 10996.

Section 10996 is amended to require that with an arbitration submittal form, an Application for Adjudication be filed if one has not been previously filed, to specify that the parties will provide the necessary materials to the arbitrator, and to specify that the WCAB file will remain in the custody of the district office. Other nonsubstantive revisions include changes to eliminate confusing and unnecessary language and to conform to modern standards of English usage.

Section Amended: 10997.

Section 10997 is amended to delete the requirement that, when a case is set for hearing, arbitration must be requested within six days after service of the notice of hearing, and to eliminate confusing and unnecessary language.

Section Amended: 10998.

Section 10998 is amended to change a reference to a subsection of Labor Code § 5275 that was renun-

bered, and delete language made obsolete by the amendment of § 5275, effective January 1, 2003.

Section Amended: 10999.

Section 10999 is amended to eliminate confusing and unnecessary language, and to conform to modern standards of English usage.

STATE REIMBURSABLE MANDATE

The WCAB has determined that the proposed regulations will not impose any new mandated programs on any local agency or school district. The California Supreme Court has determined that an increase in workers' compensation benefit levels does not constitute a new State mandate for the purpose of local mandate claims because the increase does not impose unique requirements on local governments. (*County of Los Angeles v. State of California*, 43 Cal.3d 46 (1987)). The requirements imposed on all employers by the proposed changes to these regulations, although not a benefit level increase, are similarly not a new State mandate because the regulations apply to all employers, private and public, and not uniquely to local governments.

COST OR SAVINGS TO LOCAL AGENCIES OR SCHOOL DISTRICTS

The regulations proposed herein may, from time to time, impose costs on local agencies and school districts. Any such costs, however, will be non-discretionary because the requirement that every employer contribute to the funding of California's workers' compensation programs is a statutory obligation. Furthermore, any such costs are non-reimbursable because the requirement on employers to contribute to the funding of California's workers' compensation programs is not unique to local agencies or school districts and applies to all employers alike, public and private, including the State of California.

COST OR SAVINGS TO STATE AGENCIES

The proposed regulations may, in certain situations, impose costs on State agencies. Any such costs are non-reimbursable, however, since the requirement that employers contribute to the funding of California's workers' compensation programs is not unique to State agencies and applies to all employers alike, both public and private.

COST OR SAVINGS IN FEDERAL FUNDING TO THE STATE

The proposed regulations will not affect any federal funding.

DETERMINATION REGARDING SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESS

The WCAB declares that it has initially determined that the proposed regulations will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. The proposed amendments involve changes in the procedures for handling workers' compensation cases that do not impose significant financial or economic burdens on the regulated public; there is no change in the amount of compensation that is paid to injured workers.

COST IMPACTS ON REPRESENTATIVE PRIVATE PERSONS OR BUSINESSES

Proposed section 10607 will require that insurance companies and self-insured employers, or third-party administrators, (hereafter "claims administrators") provide a computer printout of benefits paid to a party requesting it. The proposed regulation provides that a request for a benefit printout may not be made more frequently than once in a 120-day period unless there is a change in indemnity payments. This regulation will require that these claims administrators have a computer, a printer, and a computer program that stores claims information and allows that information to be printed out. However, claims administrators are already required to store claims information on computers by Title 8, California Code of Regulations, § 9702 (Rules of the Administrative Director) and it is likely that most, if not all, of them already have software to print out benefits paid. The WCAB estimates that the proposed changes to section 10607 requiring that claims administrators provide a computer printout of benefits paid to a party requesting it will cost a representative claims administrator approximately \$1,394 per year.

The WCAB is proposing to amend section 10886 to require the parties to serve a copy of a compromise and release or stipulations with request for award on any lien claimants. This is necessary so that lien claimants will receive notice of settlements, which is needed in order to insure that lien claims will be promptly resolved. As a result of this change, mailing costs will be incurred primarily by claims administrators. The WCAB estimates that the changes proposed to section 10886 requiring the parties to serve a copy of a compromise and release or stipulations with request for award on any lien claimants will cost a representative claims administrator approximately \$1,714 per year.

The WCAB is proposing to amend section 10505 to allow parties to serve documents on each other by fax where the parties agree to fax service. The WCAB

estimates that this change will save a representative claims administrator or workers' compensation law firm approximately \$394 per year. The WCAB is proposing to amend section 10548 to provide that when the parties represent to the WCAB that a case has been settled, the case shall be taken off calendar and no appearances shall be required. The WCAB estimates that this change will save a representative claims administrator approximately \$43 per year and save a representative workers' compensation law firm that represents injured workers approximately \$75 per year. The WCAB is proposing to amend section 10608 to provide that, when a Declaration of Readiness is filed, if no objection is filed, the other parties are required to file their medical reports at the time of the mandatory settlement conference rather than within six days. The WCAB estimates that this change will save a representative claims administrator or workers' compensation law firm approximately \$1,346 per year.

ECONOMIC IMPACT ON SMALL BUSINESSES

The WCAB estimates that approximately half of the businesses affected are small businesses, either third-party administrators or law firms that handle workers' compensation cases. The impact on these businesses is discussed under *Cost Impacts on Representative Private Persons or Businesses*, above.

ASSESSMENT OF EFFECTS ON JOB AND/OR BUSINESS CREATION, ELIMINATION OR EXPANSION

The WCAB has determined that the changes proposed to the regulations will have no effect on the creation or elimination of jobs or existing businesses within California, or affect the expansion of current California businesses.

IMPACT ON HOUSING COSTS

The WCAB has determined that the changes proposed to the regulations will have no effect on housing costs.

CONSIDERATION OF ALTERNATIVES

The WCAB must determine that no reasonable alternative considered by the Board, or that has otherwise been identified and brought to the attention of the Board, would be more effective in carrying out the purpose for which these regulations are proposed, nor would it be as effective and less burdensome to affected persons than the proposed action.

PRESENTATION OF ORAL AND/OR WRITTEN COMMENTS AND DEADLINE FOR SUBMISSION OF WRITTEN COMMENTS

Members of the public are invited to present oral and/or written statements, arguments or evidence at

the public hearing. In addition, any person may submit written comments on the proposed regulations, prior to the public hearing to:

Dennis J. Hannigan
Secretary and Deputy Commissioner
Workers' Compensation Appeals Board
Post Office Box 429459
San Francisco, CA 94142-9459

The address for submission of comments by electronic mail (e-mail) is WCABRules@dir.ca.gov.

Unless submitted prior to or at the public hearing, all written comments must be received by the agency contact person, no later than 5:00 p.m. on August 21, 2002. The WCAB prefers written comments to oral testimony. If you have provided a written comment, it will not be necessary to present oral testimony at the public hearing.

AVAILABILITY OF TEXT OF REGULATIONS AND STATEMENT OF REASONS

An Initial Statement of Reasons has been prepared for the proposed regulations, in addition to the Informative Digest included in this Notice. The Initial Statement of Reasons and the text of the proposed regulations will be made available for inspection or provided upon written request. Please direct all such requests to the contact person who is identified below. In addition, the above-cited materials may be accessed on the internet at www.dir.ca.gov/dirrulemaking.html.

CONTACT PERSON

Any interested person may inspect a copy, or direct questions regarding, the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the Rulemaking File. The Rulemaking File may be inspected by any interested person, and will be available for inspection at the Workers' Compensation Appeals Board, 455 Golden Gate Avenue, 9th Floor, San Francisco, CA 94102, between the hours of 9:00 AM and 4:30 PM, Monday through Friday. Copies of the proposed regulations, the Initial Statement of Reasons, and any supplemental information contained in the rulemaking file may be requested in writing from the contact person:

Dennis J. Hannigan
Secretary and Deputy Commissioner
Workers' Compensation Appeals Board
Post Office Box 429459
San Francisco, CA 94142-9459

The telephone number of the contact person is (415) 703-4554.

Note: In the event the contact person is unavailable, or to obtain responses to questions regarding the substance of the proposed regulations, inquiries should be directed to the following backup contact person at

the same address and telephone number noted above: Frederick Dietrich, Assistant Secretary and Deputy Commissioner.

AVAILABILITY OF CHANGES FOLLOWING PUBLIC HEARING

Consistent with Government Code Section 11346.8(c) and 1 CCR 44, if the WCAB makes changes to the proposed regulations as a result of the public hearing and public comment received, the modified text with changes clearly indicated will be available for public comment for at least 15 days prior to the date on which the regulations are adopted.

AVAILABILITY OF FINAL STATEMENT OF REASONS

Following its preparation, a copy of the Final Statement of Reasons consistent with Government Code Section 11346.9(a) may be obtained from the contact person indicated above. In addition, the Final Statement of Reasons will be posted on the internet and may be accessed at www.dir.ca.gov/dirrulemaking.html.

AUTOMATIC MAILING

A copy of this Notice, including the Informative Digest, the Initial Statement of Reasons, and the text of the proposed regulations, will automatically be sent to those interested persons on the mailing list of the WCAB, and to all persons who have requested notice of hearing as required by Labor Code Section 5307.4.

If adopted, the regulations as proposed will appear sequentially in the California Code of Regulations at Title 8, Chapter 4.5, Subchapter 2, commencing with Section 10300.

TITLE 10. TECHNOLOGY, TRADE AND COMMERCE

ENTERPRISE ZONES

Title 10, Chapter 7.8, Sections 5600 and 5618-5621

NOTICE OF PROPOSED RULEMAKING June 28, 2002

Notice is hereby given that the California Technology, Trade and Commerce Agency proposes to adopt the proposed regulations described below after considering all comments, objections and recommendations regarding the proposed action.

PROPOSED REGULATORY ACTION

The Agency proposes to amend and/or renumber existing sections 5600, 5601, 5619 and 5620, repeal sections 5618 and 5621, and adopt new sections 5619, 5620 and 5621, of Title 10 of the California Code of Regulations in order to implement, interpret and make

specific Government Code sections 7073, 7074, and 7076.1, relating to the geographical expansion of an enterprise zone, the extension of the designated period for an enterprise zone, and the audit of enterprise zones.

No public hearing is scheduled; however, any interested person or his or her duly authorized representative may request a public hearing no later than fifteen (15) days prior to the close of the public comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Agency. Written comments will be accepted by the Agency until **5:00 p.m. on August 12, 2002**. Submit comments to:

Terri Toohey, Regulations Coordinator
California Technology, Trade and
Commerce Agency
1102 Q Street, Suite 6000
Sacramento, CA 95814
E-Mail: ttoohey@commerce.ca.gov.

AUTHORITY AND REFERENCE

The proposed regulation has been adopted under the authority of Government Code section 7086 in order to implement, interpret, and make specific Government Code sections 7073, 7074 and 7076.1.

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Agency proposes to repeal existing sections 5618 and 5621, to amend section 5600 and 5601, to amend and renumber sections 5618 and 5620, and to adopt new sections 5619, 5620 and 5621, of Title 10 of the California Code of Regulations.

The primary purposes of the proposed regulations are to allow qualified enterprise zones to expand their geographical area by 20 percent and/or extend their designation period by an additional 5 years. The proposal establishes the procedures for both the expansion requests and extensions of designation. The proposed regulations also establish procedures for performing an enterprise zone audit and Agency appeal procedures.

Government Code section 7074 provides that an enterprise zone designated prior to 1990, that has a geographical area of no more of 13 square miles, may be geographically expanded by up to 20 percent. Government Code Section 7073(d) establishes that the designation period for any zone designated prior to 1990 may be extended from the statutory 15-year designation to a 20-year designation. Government Code section 7076.1 establishes that the Agency may audit the enterprise zone at any time during the

duration of the designation, or at least every five years. This section also provides that the Agency shall issue an audit result of superior, passing or failing for each enterprise zone audit. Government Code section 7086 authorizes the Agency to adopt regulations concerning designation procedures and application procedures.

Section 5600 provides definitions of terms used in the enterprise zone program. A definition of 'Adjacent Jurisdiction' will be added to this section. The definition will provide for expansion into an area that is contiguous to an existing enterprise zone in a city, county, or city and county that was not originally part of the enterprise zone.

The definition of the term 'Enterprise Zone' will be revised to be consistent with the definition in statute.

A new definition has been added for the term 'Enterprise Zone Administrator'. The definition provides for a designated administrator of the enterprise zone program on behalf of all the jurisdictions in the zone. This term is used in the extension request and audit regulations.

The definitions of expansion request and expansion area are moved to the definition section from Section 5618.

Editorial amendments are also proposed to several definitions.

Section 5601 will provide the correct address of the California Technology, Trade and Commerce Agency.

Section 5618 is proposed for repeal. This section provided the scope of the article and definitions of expansion request and expansion area. The definitions are now included in Section 5600 definitions.

Section 5619 is renumbered as Section 5618 and Sections 5620(a), (b) and (c) are moved into subsections 5618(g), (h) and (i), respectively.

Section 5618(b) will provide that an enterprise zone designated prior to 1990, with a geographical area of no more of 13 square miles, is allowed to geographically expand the enterprise zone by 20 percent.

A new subsection 5618 (c) will provide that in a multi-jurisdictional enterprise zone, each jurisdiction in the enterprise zone has the option to expand either the 15 or 20%, as provided in subsections (a) or (b) of this section.

A new subsection 5618(d) will require an expansion request, on behalf of all jurisdictions involved in the expansion, to be submitted by the enterprise zone administrator.

Subsection 5618 (d)(1) is moved from 5619(b)(1). This section will require a resolution from the jurisdiction expanding, agreeing to the expansion. This section will also require that the resolution be dated no later than six months before the expansion request is submitted.

A new subsection 5618 (d)(2) will provide that when an expansion moves into an adjacent jurisdiction, that jurisdiction will also be required to provide a resolution that states the expansion area is economically depressed and that the new jurisdiction agrees to comply with the Final Designation Agreement of that enterprise zone.

A new subsection 5618 (d)(3) will require the expansion request to include documents that clearly define the expansion area. In addition, the documents are required to reflect the state of the area at the time of the request. The subsections listing the required documents have been consolidated into four subsections.

Subsection 5618 (d)(3)(A) requires a description of the expansion area including the acreage, zoning, infrastructure in the expansion area and list of street addresses. Subsection 5618 (d)(3)(B) requires the total acreage of the original enterprise zone. Subsection 5618 (d)(3)(C) requires a description of the revised enterprise zone boundaries and subsection 5618 (d)(3)(D) requires documentation that the expansion area is contiguous with the existing enterprise zone.

Subsection (d)(4) will require the enterprise zone to submit to the Agency the environmental impact documents required by the California Environmental Quality Act.

Subsection 5618(e) will provide the Agency procedures for reviewing the expansion requests and requesting additional information from the enterprise zone.

Subsection 5618(f) will provide that expansion requests that are incomplete or fail to meet the established criteria will be disapproved.

Section 5619 will establish the procedures for performing an enterprise zone audit. The Agency is proposing that the audit will consist of a report from the enterprise zone regarding their progress in achieving their goals, objectives and commitments set forth in their original application and in the final designation agreement executed between the Agency and the enterprise zone, and a description of their current vouchering plan, staff levels and budget. The proposed regulation will also establish the methods used by the Agency to evaluate and score the information submitted by the enterprise zone, procedures for notifying the enterprise zone of audit results, and procedures for an enterprise zone to appeal request reconsideration of an Agency decision and Agency appeal procedures.

Section 5620 will establish the requirements for an enterprise zone to be eligible for a five-year extension and provides that the enterprise zone must have been designated prior to 1990, submit a letter of intent 10 months prior to the expiration date of the designation and apply for an extension no later than 7 months prior

to the expiration date of the designation. The enterprise zone will be required to submit to the Agency any environmental impact documents required by the California Environmental Quality Act. This section will also provide that the enterprise zone must have a completed audit result with an audit determination of passing or superior. This section describes the documents that must be included in the extension application, including a letter of intent, contact person information, certified resolution and an updated economic development plan. This section also will specify the content of the updated economic development plan, identify the number of points each section is worth and specify that the applicant must score 600 points out of 800 total points to be granted an extension. The updated economic development plan will require marketing information, details on financing programs available, a description of the job development in the area, a description of the planning and local incentives and a description of the current program management, including personnel and funding.

Section 5621, Finality of Agency Decisions, will be amended and new provisions will provide for appeals to the Agency. The new section will provide the procedures for appealing any Agency decision or determination to the Secretary.

DISCLOSURES REGARDING THE PROPOSED ACTION

The California Technology, Trade and Commerce Agency has made the following determinations:

- Mandate on local agencies and school districts: None.
- Cost or savings to any state agency: None.
- Cost to any local agency or school district which must be reimbursed in accordance with Government Code sections 17500 through 17630: None.
- Other nondiscretionary cost or savings imposed on local agencies: None.
- Cost or savings in federal funding to the state: None.
- Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.
- Cost impacts on a representative private person or businesses: The Agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.
- The adoption of the proposed regulation will not eliminate existing businesses within the State of California. The adoption of the proposed regulation will create new businesses with the enterprise zone. The proposed regulation will also affect the

expansion of businesses currently doing business within an enterprise zone.

- Significant effect on housing costs: None.

EFFECT ON SMALL BUSINESS

The California Technology, Trade and Commerce Agency has determined that the proposed regulation will impact those small businesses within an Enterprise Zone.

ALTERNATIVES CONSIDERED

The California Technology, Trade and Commerce Agency must determine that no reasonable alternative it considered or that has been otherwise identified and brought to the attention of the agency would be more effective in carrying out the purpose of the proposed action, or be as effective and less burdensome to affected private person than the proposed regulations. The Agency invites interested persons to present statements or arguments concerning alternatives to the proposed regulation during the public comment period.

CONTACT PERSON

Inquiries and questions regarding the substance of the proposed regulations should be submitted or directed to:

Michelle Adams
California Technology, Trade and
Commerce Agency
1102 Q Street, Suite 6000,
Sacramento, CA 95814
916-322-2864
Fax: 916-322-7214
E-mail: madams@commerce.ca.gov

The following person is designated as a backup contact person for inquiries regarding the proposed regulation:

Glenn Stober
California Technology, Trade and
Commerce Agency
1102 Q Street, Suite 6000,
Sacramento, CA 95814
916-327-9538
E-mail: gstober@commerce.ca.gov

Please direct requests for copies of the proposed text, the initial statement of reasons, the modified text of the regulations, if any, or any other rulemaking documents to:

Terri Toohey, Regulations Coordinator
California Technology, Trade and
Commerce Agency
1102 Q Street, Suite 6000,
Sacramento, CA 95814
916-324-3787
E-Mail: ttoohey@commerce.ca.gov.

AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the close of the forty-five (45) day public comment period, the Agency may adopt the proposed regulation. As a result of public comments, either oral or written, that are received by the Agency regarding this proposal, the Agency may determine that changes to the proposed regulation are appropriate. If the Agency makes modifications which are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public for at least 15 days before the Agency adopts the regulations as revised. Please send requests for copies of any modified regulations to the attention of Terri Toohey at the above address. The Agency will accept written comments on the modified regulations for 15 days after the date on which they are made available.

AVAILABILITY OF INITIAL STATEMENT OF REASONS, RULEMAKING FILE AND EXPRESS TERMS OF THE PROPOSED REGULATIONS

The Agency has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Agency's office at 1102 Q Street, Fifth Floor, Sacramento, California 95814, during normal business working hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the regulations. Copies of these items are available, upon request, from the Agency Contact Person designated in this Notice.

AVAILABILITY OF FINAL STATEMENT OF REASONS

The Agency is required to prepare a Final Statement of Reasons. Once the Agency has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Agency Contact Person identified in this Notice.

AGENCY INTERNET WEBSITE

The Agency maintains an Internet website for the electronic publication and distribution of written material. Copies of the Notice of Proposed Action, the Initial Statement of Reasons, and the text of the regulations in underline and strikeout can be accessed through our website at <http://commerce.ca.gov>

TITLE 16. BOARD OF PSYCHOLOGY

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest.

Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Hyatt Regency Islandia, 1441 Quivira Road, San Diego, California, at 10:00 a.m., on August 17, 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on Wednesday, August 14, 2002, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2915 and 2930 of the Business and Professions Code, and to implement, interpret or make specific Section 2915 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend section 1397.62.

Existing law states that before licensed psychologists can renew their licenses they must complete 36 hours of continuing education. Section 2915 of the Business and Professions Code grants the board the authority to establish a policy for exceptions from the continuing education requirements.

The purpose of this proposed regulation is to establish an exception to continuing education requirements.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

BUSINESS IMPACT

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

IMPACT ON JOBS/NEW BUSINESSES

The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825.

AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Kathy Bradbury
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-0712
Fax No.: (916) 263-2697
E-Mail Address: kathy_bradbury@dca.ca.gov
The backup contact person is:
Name: Jeff Thomas
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Kathy Bradbury at (916) 263-0712.

Website Access : Materials regarding this proposal can be found at www.psychboard.ca.gov.

**TITLE 16. BOARD
OF PSYCHOLOGY**

DEPARTMENT OF CONSUMER AFFAIRS

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Hyatt Regency Islandia, 1441 Quivira Road, San Diego, California, at 10:00 a.m., on August 17, 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on Wednesday, August 14, 2002, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related

to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 2914 and 2930 of the Business and Professions Code, and to implement, interpret or make specific Section 2914 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Current regulation section 1388, in part, addresses 1) the transition from the paper and pencil version of the EPPP to computer based testing, and 2) qualified applicants submitting to the board the written exam fee for the EPPP.

This proposal would amend section 1388 to 1) eliminate any reference to the paper and pencil version of the EPPP since that version no longer exists, and 2) allow the applicant to pay the established EPPP fee directly to the ASPPB examination provider, thus eliminating the board's involvement in collecting an exam fee that is required to be paid to ASPPB.

Current regulation section 1392(b) refers to the fee for the EPPP. This proposal would eliminate any reference to this fee as applicants would pay the exam vendor directly.

FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

BUSINESS IMPACT

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

AND

The following studies/relevant data were relied upon in making the above determination: None

IMPACT ON JOBS/NEW BUSINESSES

The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**COST IMPACT ON REPRESENTATIVE
PRIVATE PERSON OR BUSINESS**

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would affect small businesses.

CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

**INITIAL STATEMENT OF REASONS
AND INFORMATION**

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825.

**AVAILABILITY AND LOCATION OF THE
FINAL STATEMENT OF REASONS
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Kathy Bradbury
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-0712
Fax No.: (916) 263-2697
E-Mail Address: kathy_bradbury@dca.ca.gov

The backup contact person is:

Name: Jeff Thomas
Address: 1422 Howe Avenue, Suite 22
Sacramento, CA 95825
Telephone No.: (916) 263-1617
Fax No.: (916) 263-2697
E-Mail Address: jeff_thomas@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Kathy Bradbury at (916) 263-0712.

Website Access: Materials regarding this proposal can be found at www.psychboard.ca.gov.

**TITLE 22. DEPARTMENT OF
SOCIAL SERVICES**

ORD #0302-08

**ITEM # 2 Foster Family Homes Emergency
Regulations**

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at public hearings to be held August 12, 13, and 14, 2002, as follows:

August 12, 2002
Community Care Licensing
1000 Corporate Center, Suite 670
Monterey Park, California

August 13, 2002
1515 Clay Street
2nd Floor, Room #9
Oakland, California

August 14, 2002
Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearings will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of

testimony presentations. The above-referenced facilities are accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on August 14, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>.

Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of
Social Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586

TELEFAX: (916) 654-3286

E-MAIL: ord@dss.ca.gov

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

These proposed Foster Family Homes emergency regulations implement the provisions of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). This legislation ensures that California is in continuing compliance with the federal Adoptions and Safe Families Act (ASFA) of 1997, Public Law 105-89. The legislation clarifies the ongoing and compliance requirements of the Department with regards to ASFA, to employ the same standards to all foster family

homes. Incidental to this, modifications of Personal Rights are being made pursuant to AB 899, (Chapter 683, Statutes of 2001).

The Department's Community Care Licensing Division (CCLD) has re-organized and clarified language of the Title 22 Foster Family Homes regulations in conjunction with a workgroup of stakeholders. The workgroup included representatives from County Welfare Directors Associations (CWDA), California Youth Connection (CYC), the Department's Children and Family Services Division, and the Department's Legal Division. The emergency regulations are equally protective, less restrictive and more user friendly than current regulations.

It is California's position that licensing and approval of homes have required the same core health and safety standards prior to issuance of a license or approval of a foster family home since 1998. The legislative bases are found in AB 1544 (Chapter 793, Statutes of 1997), Senate Bill (SB) 645 (Chapter 949, Statutes of 1998), and AB 2773 (Chapter 1056, Statutes of 1998). Since that time, California law has required compliance with the same core health and safety standards for all foster family homes.

California core licensing/approval standards consist of four major areas: criminal records clearance, caregiver qualifications, safety of the physical environment and personal rights. These core health and safety requirements have not changed; however, they have undergone non-substantive modification to more clearly show the consistency with ASFA.

- A criminal record check, which includes a child abuse records check, is required for applicants and adults living in the home.
- Caregiver qualification standards focus on the caregiver's ability to provide supervision for the child, their ability to meet the needs of the child, and their ability to meet the child's needs based on others living in the home.
- Physical environment provides for the storage of weapons, poisons, medications, water safety, and a clean safe environment.
- Personal rights standards provide for safe, healthy, and comfortable accommodations, freedom from corporal punishment, ownership and use of own personal possessions, and a full statement of personal rights given to the child and foster parent at the time of placement.

To ensure continuous compliance with ASFA, the Title 22 Foster Family Homes regulations have been rewritten and renumbered. Further, throughout these proposed regulations the terms "licensee" is replaced with "caregiver" and "facility" with "home." Cross references are updated where necessary. The change in language supports the Departments position of modi-

fication to user friendly language. The language is more generic in nature and has been used to address licensees, and apply to relatives and the non-related extended family members using Title 22 as a cross reference. In addition the language was clarified so that it would be consistent with ASFA terminology.

These regulations also clarify that relative and non-related extended family member's homes approved for placements must meet the same standards as licensed homes. This is consistent with ASFA and ongoing practice. ASFA also requires a state authority to be responsible for establishing and maintaining standards for foster family homes and applying these standards to any home that receives the Title IV-E funds whether licensed or approved.

COST ESTIMATE

1. Costs or Savings to State Agencies: None
2. Costs to Local Agencies or School Districts: None
3. Nondiscretionary Costs or Savings to Local Agencies: None
4. Federal Funding to State Agencies: None

LOCAL MANDATE STATEMENT

The regulations do not impose a mandate on local agencies or school districts. There are no state-mandated costs in these regulations which require state reimbursement under Section 17500 et seq. of the Government Code.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of

California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 1524, 1525, 1526, 1530, 1530.5, 1531, 1547, and 115926, Health and Safety Code; Sections 16001.9 and 17730, Welfare and Institutions Code; and Section 21 of Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001). Subject regulations implement and make specific Sections 1500, 1501, 1501.1, 1503, 1503.5, 1505(l), 1505.2, 1507, 1507.2, 1507.5, 1508, 1515.15, 1520, 1520.3, 1521.5, 1522, 1522.01, 1522.1, 1522.04, 1522.2, 1523.1, 1524, 1524.7, 1525.25, 1525.3, 1525.5, 1526.5, 1526.75, 1529.1, 1529.2, 1529.3, 1530, 1530.6, 1530.91, 1531, 1531.2, 1531.4, 1531.5, 1533, 1534, 1536.1, 1538, 1540, 1540.1, 1541, 1541.1, 1547, 1550, 1550.5, 1551, 1553, 1557.5, 1558, 1558.1, 1559.110, 1560, 1562, 1569 et seq., 1569.9 et. seq., 13131, 13143, 14564, 115921, and 115923, Health and Safety Code; Sections 62.7, 903.7, 11400, 11403, 16001.9, 16507.5, 16522, 17710(h) and (i), 17731, 17732, 17736, and 17736(b), Welfare and Institutions Code; Sections 136.1, 186.22, 187, 190 through 190.4, 192(a), 203, 206, 207, 208, 209, 209.5, 210, 211, 212, 212.5, 213, 214, 215, 220, 243.4, 261(a), (a)(1), (2), (3), (4), or (6), 262(a)(1) or (4), 264.1, 266, 266c, 266h(b), 266i(b), 266j, 267, 269, 272, 273a(a) [or 273a(1) if the conviction was prior to January 1, 1994], 273d, 285, 286, 288, 288a, 288.2, 288.5(a), 289, 290(a), 311.2(b), (c), or (d), 311.3, 311.10, 311.11, 314(1) or (2), 347(a), 368(b) or (c) if after January 1, 1999, 417(b), 451(a) or (b), 460(a), 518, 647.6 or prior to 1987 former Section 647a, 653f(c), 664/187, 667.5(c)(7), (c)(8), (c)(13), (c)(14), (c)(22), 11165, 11165.1, 11165.2, 11165.3, 11165.4, 11165.6, 11170, 12022.53, 12308, 12309, and 12310, Penal Code; Section 8712, Family Code; Sections 11500 et seq., 11506, 11522, and 15376, Government Code; Section 729, Business and Professions Code; and 42 USC Section 677 of the Social Security Act.

CDSS REPRESENTATIVE REGARDING
RULEMAKING PROCESS OF THE
PROPOSED REGULATION

Contact Person: Anthony J. Velasquez
(916) 657-2586

Backup: Everardo Vaca
(916) 657-2586

CDSS REPRESENTATIVE REGARDING
SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Sharon Whitted
(916) 327-4104

Backup: Stephanie Davis
(916) 322-4887

EMERGENCY STATEMENT

These regulations are to be adopted on an emergency basis. In order to allow interested persons an opportunity to submit statements or arguments concerning these regulations, they will be considered at public hearing in accordance with Government Code Section 11346.4.

AGENDA ITEM(S) FOR THESE PUBLIC
HEARINGS—August 12, 13, and 14, 2002

- ITEM #1 ORD #0102-03
Implementation of Assembly Bill 1695
- ITEM #2 ORD #0302-08
Foster Family Homes Emergency
Regulations

**TITLE 22. UNEMPLOYMENT
INSURANCE APPEALS BOARD**

**Amendment of Title 22,
California Code of Regulations,
Sections 5000, 5065, and 5102**

June 28, 2002

**DEFINITIONS, DECISIONS, AND
NEW EVIDENCE**

Notice of Proposed Rulemaking

The California Unemployment Insurance Appeals Board (Board) proposes to amend regulation Sections 5000, 5065, and 5102, Title 22 of the California Code of Regulations (CCR), to add case management documents to the definition of “case file,” to modify the requirements of a decision which is based on the credibility of a witness, and to require the attaching of documentary evidence to a request to present new or additional evidence, respectively. The Board will adopt these amendments after considering all comments, objections, or recommendations regarding the proposed action.

INFORMATIVE DIGEST/POLICY
STATEMENT OVERVIEW

Section 5000.

This regulatory action will amend Section 5000, relating to the definition of terms, to exclude case management documents from the definition of a case file. Title 22, CCR Section 5010 (b) requires that the Board retain case files for 13 months after the last date of service of any decision or order. The purpose of this requirement is to ensure that substantive case documents are retained for a period of time sufficient to address any further action that may be required in connection with the case, such as court litigation. Case management documents are internal control and tracking records that are not necessary for this purpose, and to retain such case management documents for 13 months would seriously overburden the computerized control and tracking system for the Board’s cases, which presently number over 200,000 a year. Accordingly, the amendment to Section 5000 would exclude such case management documents from the retention requirements of Section 5010 (b).

Section 5065.

This regulatory action will amend Section 5065, relating to the content of a decision issued by an administrative law judge (ALJ). Currently the regulation requires that the decision include all evidence that supports a witness’ credibility determination. The amendment makes it clear that only evidence of the observed demeanor, manner, or attitude of the witness that supports such a determination must be included. Including evidence only when necessary will make ALJ decisions easier to write and to understand.

Section 5102.

This regulatory action will amend Section 5102, relating to applications to present new or additional evidence. When a party wishes to submit new or additional evidence, currently they are required to state the nature of the evidence, the materiality of the evidence, and the reasons why the evidence was not introduced at the ALJ hearing. This amendment will also require, if the new or additional evidence is documentary in nature, that such evidence be attached to the application. Inclusion of the documentary evidence with the application will provide the Board with a better basis to makes its determination as to whether or not the evidence is admissible.

AUTHORITY AND REFERENCE

Authority: Section 11400.20, Government Code; and Section 411, Unemployment Insurance Code.

Reference: Sections 1951, 2712 and 3262, Unemployment Insurance Code.

FISCAL IMPACT

Anticipated costs or savings in federal funding to the State: None

Anticipated costs or savings to any State Agency: None

Anticipated costs or savings to any local agency or school district: None

Significant statewide adverse economic impact: The Board does not anticipate this regulatory action will result in any costs to the federal government, to State government, to local county governments, to private individuals, or to businesses and small businesses. Thus, no costs were shown on the Economic and Fiscal Impact Statement.

The Board has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact on businesses including the ability of California businesses to compete with businesses in other states. The Board has determined that the proposed amendments will not affect the creation or elimination of jobs within the State of California; the creation of new businesses or the elimination of existing businesses within the State of California; or the expansion of businesses currently doing business within the State of California.

The costs impact on representative persons or businesses: The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory amendments.

Anticipated impact on housing costs: These proposed amendments will have no effect on housing costs.

Anticipated nondiscretionary costs or savings imposed upon local agencies: None

SMALL BUSINESS IMPACT

These proposed amendments will not have any impact upon small businesses because they merely set forth the standards by which the Board is to conduct its business rather than imposing an obligation upon a business entity.

LOCAL MANDATE DETERMINATION

The Board has determined that these proposed amendments will not impose any new mandates on school districts or other local governmental agencies or any mandates which must be reimbursed by the State pursuant to Part 7 (commencing with Section 17500), Division 4 of the Government Code.

CONSIDERATION OF ALTERNATIVES

In accordance with Section 11346.5(a)(13) of the Government Code, the Board must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the

purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulatory amendments. The Board will consider any additional alternatives presented during the public comment period.

WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments on the proposed action to Ralph Hilton, Chief Counsel, 2400 Venture Oaks Way, Suite 300, Sacramento, California 95833. Written comments may also be faxed to Mr. Hilton at (916) 263-6836. **The written comment period closes at 5 p.m. on August 12, 2002**

PUBLIC HEARING

No public hearing has been scheduled on the proposed action. However, if any person desires to submit oral comments, the Board will schedule a public hearing upon that person's written request. **Such request must be received no later than 15 days prior to the close of the written comment period which is 5 p.m. on August 12, 2002.** A written request for hearing can be made to Ralph Hilton, at the address or fax number shown above.

MODIFICATION OF PROPOSED ACTION

If the Board makes any additional changes based on public testimony, those changes (other than nonsubstantial or solely grammatical modifications) will be made available for public comment for at least 15 days before they are adopted. Copies of any additional changes regarding the proposed regulatory action will be mailed to all persons who testified or submitted written comments at the public hearing (if one is scheduled); whose comments were received by the agency during the public comment period; and who requested notification from the agency of the availability of such changes.

FINAL STATEMENT OF REASONS

For a copy of the Board's final statement of reasons, when available, please contact Ralph Hilton at the address shown under the "Written Comment Period" in this Notice or call him at (916) 263-6783.

CONTACT PERSON/FURTHER INFORMATION

The Board has prepared and has available for review, upon request, the text of the proposed regulatory amendments discussed in this notice, written in plain English; a statement of reasons setting forth the purpose of the amendments; and the information upon which the Board relied in proposing the amendments. (If you received this notice by mail, a copy of the text of the proposed amendments and the statement of reasons were enclosed.) To obtain a copy or for inquiries regarding the regulations' process, call Laura Colozzi at (916) 654-7712.

Inquiries regarding substantive issues pertaining to the proposed amendments may be directed to Ralph Hilton at (916) 263-6783.

All the information upon which the proposed amendments are based is contained in the rulemaking file, which is available for public review by contacting the Board at the address noted above.

TITLE MPP. DEPARTMENT OF SOCIAL SERVICES

ORD #0102-03

NOTICE OF PROPOSED CHANGES IN REGULATIONS

ITEM # 1 Implementation of Assembly Bill 1695

CDSS hereby gives notice of the proposed regulatory action(s) described below. Any person interested may present statements or arguments orally or in writing relevant to the proposed regulations at public hearings to be held August 12, 13, and 14, 2002, as follows:

August 12, 2002

Community Care Licensing
1000 Corporate Center, Suite 670
Monterey Park, California

August 13, 2002

1515 Clay Street
2nd Floor, Room #9
Oakland, California

August 14, 2002

Office Building # 9
744 P St. Auditorium
Sacramento, California

The public hearings will convene at 10:00 a.m. and will remain open only as long as attendees are presenting testimony. The Department will adjourn the hearing immediately following the completion of testimony presentations. The above-referenced facility is accessible to persons with disabilities. If you are in need of a language interpreter at the hearing (including sign language), please notify the Department at least two weeks prior to the hearing.

Statements or arguments relating to the proposals may also be submitted in writing, e-mail, or by telefax to the address/number listed below. All comments must be received by 5:00 p.m. on August 14, 2002.

CDSS, upon its own motion or at the instance of any interested party, may adopt the proposals substantially as described or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of nonsubstantive, technical, or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption to all persons who testify or submit written

comments during the public comment period, and all persons who request notification. Please address requests for regulations as modified to the agency representative identified below.

Copies of the express terms of the proposed regulations and the Initial Statement of Reasons are available from the office listed below. This notice, the Initial Statement of Reasons and the text of the proposed regulations are available on the internet at <http://www.dss.cahwnet.gov/ord>. Additionally, all the information which the Department considered as the basis for these proposed regulations (i.e., rulemaking file) is available for public reading/perusal at the address listed below.

Following the public hearing, copies of the Final Statement of Reasons will be available from the office listed below.

CONTACT: Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of Social
Services
744 P Street, MS 7-192
Sacramento, California 95814

TELEPHONE: (916) 657-2586

TELEFAX: (916) 654-3286

E-MAIL: ord@dss.ca.gov

CHAPTERS

MPP, Division 45 [AFDC-FC (Foster Care)], Chapter 45-100 (AFDC-Foster Care (FC) Program Purpose, Section 45-101 (Definitions); Chapter 45-200 (AFDC-FC Eligibility), Sections 45-201 (General AFDC-FC Requirements), 45-202 (Federal AFDC-FC Program), 45-203 (State AFDC-FC Program); Chapter 45-300 (AFDC-FC Payee, Payment and Delivery), Sections 45-302 (Payment), 45-304 (AFDC-FC Overpayment for Foster Family Homes, Relative Homes, and Non-Related Legal Guardians—General); and Division 80 (Implementation Schedule), Chapter 80-300 (Definitions and Forms), Section 80-310 (Definitions—Forms).

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Assembly Bill (AB) 1695 (Chapter 653, Statutes of 2001) amended certain provisions of the Aid to Families with Dependent Children—Foster Care (AFDC-FC) Program in order to bring the program in line with federal law changes (Adoptions and Safe Families Act of 1997—Public Law 105-89).

Among other things, the Adoptions and Safe Families Act mandated that approved foster care homes must meet the same standards as licensed foster care homes. Welfare and Institutions Code, Sections 309, 361.3(a)(8) and 362.7 implement this mandate in California.

AB 1695 also repealed “certified, license pending” foster homes as an eligible facility for AFDC-FC benefits.

42 United States Code (U.S.C.) 672(a) increased the property limit for recipients of AFDC-FC.

This regulations package implements the above requirements and also makes various clean-up revisions.

COST ESTIMATE

1. Costs or Savings to State Agencies: No fiscal impact exists because this regulation does not affect any State agency or program.
2. Costs to Local Agencies or School Districts: No additional costs or savings because this regulation makes only technical, non-substantive or clarifying changes to current law and regulations.
3. Nondiscretionary Costs or Savings to Local Agencies: None.
4. Federal Funding to State Agencies: No fiscal impact exists because this regulation does not affect any federally funded State agency or program.

LOCAL MANDATE STATEMENT

These regulations do constitute a mandate on local agencies, but not on local school districts. There are no reimbursable state-mandated costs because these regulations only make technical and clarifying changes.

STATEMENT OF SIGNIFICANT ADVERSE ECONOMIC IMPACT ON BUSINESS

CDSS has made an initial determination that the proposed action will not have a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states.

STATEMENT OF POTENTIAL COST IMPACT ON PRIVATE PERSONS OR BUSINESSES

CDSS is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

SMALL BUSINESS IMPACT STATEMENT

CDSS has determined that there is no impact on small businesses as a result of filing these regulations because these regulations are only applicable to state and county agencies.

ASSESSMENT OF JOB CREATION OR ELIMINATION

The adoption of the proposed amendments will neither create nor eliminate jobs in the State of

California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

STATEMENT OF EFFECT ON HOUSING COSTS

The proposed regulatory action will have no effect on housing costs.

STATEMENT OF ALTERNATIVES CONSIDERED

CDSS must determine that no reasonable alternative considered or that has otherwise been identified and brought to the attention of CDSS would be more effective in carrying out the purpose for which the regulations are proposed or would be as effective and less burdensome to affected private persons than the proposed action.

AUTHORITY AND REFERENCE CITATIONS

CDSS adopts these regulations under the authority granted in Sections 10553 and 10554 of the Welfare and Institutions Code. Subject regulations implement and make specific Sections 309, 361.21, 361.3(a)(8), 362.7, 727.1, 11400(m) and (r), and 11402 of the Welfare and Institutions Code; 42 U.S.C. 671; and 42 U.S.C. 672(a)(2).

CDSS REPRESENTATIVE REGARDING RULEMAKING PROCESS OF THE PROPOSED REGULATION

Contact Person: Anthony J. Velasquez
(916) 657-2586

Backup: John Flores
(916) 657-2586

CDSS REPRESENTATIVE REGARDING SUBSTANCE OF THE PROPOSED REGULATION

Program Contact: Ty Starks
(909) 782-6600

Backup: Jack Stroppini
(916) 322-5949

AGENDA ITEM(S) FOR THESE PUBLIC HEARINGS—August 12, 13, and 14, 2002

ITEM #1 ORD #0102-03
Implementation of Assembly Bill 1695

ITEM #2 ORD #0302-08
Foster Family Homes Emergency Regulations

GENERAL PUBLIC INTEREST

DEPARTMENT OF INSURANCE

Amended Notice of Workshop and Generic Determinations Hearing, June 14, 2002

and

Notice of Workshop and Generic Determinations Hearing, June 5, 2002

SPECIAL NOTE

The Department of Insurance submitted two notices concerning "Notice of Workshop and Generic Determinations Hearing." The first document is dated June 5, 2002. The second document is dated June 14, 2002 and contains an amendment to the hearing dates to the first notice. At the Department's request, we are printing both documents, with the AMENDED notice printed first. All other information contained in first notice of June 5, 2002 still applies to the amended notice.

DEPARTMENT OF INSURANCE

STATE OF CALIFORNIA
45 Fremont Street, 21st Floor
San Francisco, CA 94105

June 14, 2002
 File No. RH01018851

AMENDED NOTICE OF WORKSHOP AND GENERIC DETERMINATIONS HEARING

On June 5, 2002, the Insurance Commissioner of the State of California ("Commissioner") gave notice that, pursuant to the provisions of Title 10, California Code of Regulations, Section 2646.3, he proposed to make findings and determinations concerning the following generic factors:

- Catastrophe Adjustment (Cal.Code Regs, Tit. 10, § 2644.5)
- Loss Development (Cal.Code Regs., Tit. 10, § 2644.6)
- Loss Trend (Cal.Code Regs., Tit. 10, § 2644.7)
- Trending Of Allocated Loss Adjustment Expenses (Cal.Code Regs., Tit. 10, § 2644.8)
- Executive Compensation (Cal.Code Regs., Tit. 10, § 2644.10(b))
- Expense Trend (Cal.Code Regs., Tit. 10, § 2644.11)
- Efficiency Standard (Cal.Code Regs., Tit. 10, § 2644.12)
- Rate Of Return (Cal.Code Regs., Tit. 10, § 2644.16)
- Leverage Factors (Cal.Code Regs., Tit. 10, § 2644.17) and

Credibility Adjustment (Cal.Code Regs., Tit. 10, § 2644.23).

The public comment deadlines and hearing dates set forth in that Notice are hereby changed, as set forth below.

AMENDED HEARING DATE, LOCATION, AND TIME

The hearing previously scheduled for July 18 and 19, 2002, has been rescheduled for **August 22 and 23, 2002**, commencing at 8:30 a.m. each day, at the following location:

California Department of Insurance
 45 Fremont Street, 22nd Floor Hearing Room
 San Francisco, CA 94105

Persons who wish to provide oral comments at the hearing must file those comments with the Department in writing no later than **Thursday, August 1, 2002**, at 5:00 p.m. Any person desiring to provide written comments only, without providing oral comments at the hearing, must file those comments with the Department in writing no later than **Friday, August 23, 2002**, at 5:00 p.m.

In all other respects, the Notice of Workshop and Generic Determinations Hearing issued on June 5, 2002, remains unchanged, and the schedule set forth in that notice will be followed.

DEPARTMENT OF INSURANCE

STATE OF CALIFORNIA
45 Fremont Street, 21st Floor
San Francisco, CA 94105

June 5, 2002
 File No. RH01018851

NOTICE OF WORKSHOP AND GENERIC DETERMINATIONS HEARING

The Insurance Commissioner of the State of California ("Commissioner") hereby gives notice that, pursuant to the provisions of Title 10, California Code of Regulations, Section 2646.3, he proposes to make findings and determinations concerning the following generic factors:

- Catastrophe Adjustment** (Cal.Code Regs, Tit. 10, § 2644.5)
- Loss Development** (Cal.Code Regs., Tit. 10, § 2644.6)
- Loss Trend** (Cal.Code Regs., Tit. 10, § 2644.7)
- Trending Of Allocated Loss Adjustment Expenses** (Cal.Code Regs., Tit. 10, § 2644.8)
- Executive Compensation** (Cal.Code Regs., Tit. 10, § 2644.10(b))
- Expense Trend** (Cal.Code Regs., Tit. 10, § 2644.11)

Efficiency Standard (Cal.Code Regs., Tit. 10, § 2644.12)

Rate Of Return (Cal.Code Regs., Tit. 10, § 2644.16)

Leverage Factors (Cal.Code Regs., Tit. 10, § 2644.17) and

Credibility Adjustment (Cal.Code Regs., Tit. 10, § 2644.23).

The proposed generic determinations largely adopt the factors the Department historically has been using to review rate applications on a case-by-case basis. As such, it is expected that adoption of generic factor regulations will have no significant material impact on the process by which the Department reviews individual company rate applications.

HEARING DATE, LOCATION, AND TIME

The hearing is scheduled for two days beginning as follows:

Thursday, July 18, 2002–8:30 a.m.
California Department of Insurance
45 Fremont Street, 22nd Floor Hearing Room
San Francisco, CA 94105

PROCEDURE

These proceedings are part of the rulemaking process and involve findings of general applicability relating to insurance ratemaking (also known as “generic determinations”). Additionally, pursuant to California Government Code Section 11346.45(a), these proceedings are designed to involve parties who would be subject to or interested in the proposed regulations in a public workshop and discussion regarding the proposed regulations.

The Commissioner recognizes that input from the public and the insurance industry, including input from actuaries, economists and other experts in the field of rate regulation makes for a balanced approach and benefits all those involved. He is also aware that the hearing must be kept to a manageable size. With that in mind, the Commissioner herein provides the following specific timelines and procedures by which the hearing is to be conducted:

1) Any person may submit written comments relating to the subject matter of this hearing, subject to certain limitations explained in detail below. Persons who wish to provide oral comments at the hearing must file those comments with the Department in writing no later than **Monday, July 1, 2002**, at 5:00 p.m. Any person desiring to provide written comments only, without providing oral comments at the hearing, must file those comments with the Department in writing no later than **Friday, July 17, 2002**, at 5:00 p.m.

The Commissioner will accept comments relating only to the values presented in the specific generic determinations, the reasonableness of the methodology employed to arrive at those values, the data used to make those determinations and, only where applicable, the soundness of the actual calculations.

While the Commissioner recognizes that not every aspect of the regulations was specifically ruled on in *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216, 32 Cal.Rptr.2d 807; 878 P.2d 566, the case makes clear the Commissioner’s power to promulgate regulations of general applicability. As such, any challenge to the overall regulatory plan as set forth in Title 10, California Code of Regulations, Sections 2641.1 through 2646.5 serves no constructive purpose, but rather, takes away from the efficacy of these proceedings.

Accordingly, the Commissioner will not accept, or respond to, any comment or statement relating to any aspect of regulations already promulgated.

2) Written comments shall be directed to:

Donald P. Hilla, Senior Staff Counsel
 California Department of Insurance
 45 Fremont Street, 21st Floor
 San Francisco, CA 94105
 Telephone: (415) 538-4108

Written comments may also be sent as a Microsoft Word attachment via e-mail to hillad@insurance.ca.gov.

3) Persons who submit comments by 5:00 p.m. on July 1, 2002, will be given the opportunity to provide an oral presentation to the hearing panel. Persons providing oral comments at the hearing shall be prepared to answer questions and/or otherwise provide further information at the hearing panel’s request. Persons wishing to give oral presentations at the hearing will be subject to a time limit of a maximum of five minutes per hearing topic. The Commissioner will modify this time limit at the hearing if warranted.

4) Persons wishing to provide oral comments may present a brief synopsis of their written comments at the hearing. However, the purpose in addressing the hearing panel will be to allow the panel to ask questions related to the submitted comments. Reading verbatim from previously submitted written comments will not be permitted.

5) The hearing has been scheduled to take no more than two (2) business days.

6) Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with the provisions of subchapter 4.5, title 10, of the California Code of Regulations, in connection with their participation in this matter.

Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance
Office of the Public Advisor
300 Capitol Mall, 17th Floor
Sacramento, CA 95814
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this proceeding must also be submitted to the contact person listed above. Please contact the Office of the Public Advisor for further information.

7) Persons desiring to become parties, and thus on the mailing list for this proceeding, shall submit a written request to that effect to:

Donald P. Hilla, Senior Staff Counsel
California Department of Insurance
45 Fremont Street, 21st Floor
San Francisco, CA 94105

SCHEDULE

The following schedule shall be observed.

PLEASE NOTE: In the event certain issues take less time to address than contemplated by the schedule, the panel will proceed to the next scheduled issue.

July 1, 2002

For those wishing to provide oral comments at the hearing, written comments must be submitted to the Department by 5:00 p.m. on this date.

July 18, 2002 8:30 a.m.–10:15 p.m.

Comments relating to the Department's formulation and calculation of rate of return (Cal.Code Regs., tit. 10, § 2644.16) will be entertained.

10:15 a.m.–10:30 a.m.

Morning Break.

10:30 a.m.–11:30 a.m.

Continuation of comments relating to the Department's formulation and calculation of rate of return (Cal.Code Regs., tit. 10, § 2644.16) will be entertained.

11:30 p.m.–12:00 noon.

Comments relating to the Department's formulation and calculation of leverage factors (Cal.Code Regs., tit. 10, § 2644.17) will be entertained.

12:00 noon–1:00 p.m.

Lunch Break

1:00 p.m.–2:30 p.m.

Continuation of comments relating to the Department's formulation and calculation of leverage factors (Cal.Code Regs., tit. 10, § 2644.17) will be entertained.

2:30 p.m.–3:30 p.m.

Comments relating to the number of years for catastrophe losses to be averaged (Cal.Code Regs., tit. 10, § 2644.5) will be entertained.

3:30 p.m.–3:45 p.m.

Afternoon Break.

3:45 p.m.–5:00 p.m.

Comments relating to the number of intervals specified for loss development factors (Cal.Code Regs., tit. 10, § 2644.6) will be entertained.

July 19, 2002

8:30 a.m.–10:00 a.m.

Comments relating to the Department's formulation and calculation of loss trend factors (Cal.Code Regs., tit. 10, § 2644.7) will be entertained.

10:00 a.m.–10:15 a.m.

Morning Break.

10:15 a.m.–11:30 a.m.

Comments relating to the Department's formulation and calculation of allocated loss adjustment expense trends (Cal.Code Regs., tit. 10, § 2644.8) will be entertained.

11:30 a.m.–12:00 noon

Comments relating to the Department's proposed executive compensation factor (Cal.Code Regs., tit. 10, § 2644.10(b)) will be entertained.

12:00 noon–1:00 p.m.

Lunch Break.

1:00 p.m.–1:30 p.m.

Continuation of comments relating to the Department's proposed executive compensation factor (Cal.Code Regs., tit. 10, § 2644.10(b)) will be entertained.

1:30 p.m.–2:30 p.m.

Comments relating to the Department's formulation and calculation of expense trend (Cal.Code Regs., tit. 10, § 2644.11) will be entertained.

2:30 p.m.–2:45 p.m.

Afternoon Break

2:45 p.m.–4:00 p.m.

Comments relating to the Department's formulation and calculation of the efficiency standard (Cal.Code Regs., tit. 10, § 2644.12) will be entertained.

4:00 p.m.–5:00 p.m.

Comments relating to the Department's formulation and calculation of credibility adjustment (Cal.Code Regs., tit. 10, § 2644.23) will be entertained.

BACKGROUND

Proposition 103, an initiative approved by the citizens of California on November 8, 1988, established, among other things, a system of prior approval rate regulation for property-casualty insurance in California.

California Insurance Code Section 1861.01(c) provides that commencing November 8, 1989, insurance rates must be approved by the Commissioner prior to their use.

California Insurance Code Sections 1861.05(a) and (b) provide:

(a) No rate shall be approved or remain in effect which is excessive, inadequate, unfairly discriminatory or otherwise in violation of this chapter. In considering whether a rate is excessive, inadequate or unfairly discriminatory, no consideration shall be given to the degree of competition and the commissioner shall consider whether the rate mathematically reflects the insurance company's investment income.

(b) Every insurer which desires to change any rate shall file a complete rate application with the commissioner. A complete rate application shall include all data referred to in Sections 1857.7, 1857.9, and 1864 and such other information as the commissioner may require. The applicant shall have the burden of proving that the requested rate change is justified and meets the requirements of this article.

In *Calfarm Insurance Company v. Deukmejian* (1989) 48 Cal.3d 805, the California Supreme court unequivocally affirmed the constitutionality of Insurance Code section 1861.05 which, according to the court, "requires rates within that range which can be described as fair and reasonable and prohibits approval or maintenance of confiscatory rates."

In *20th Century Ins. Co. v. Garamendi* (1994) 8 Cal.4th 216, 32 Cal.Rptr.2d 807; 878 P.2d 566, the Supreme Court upheld the Commissioner's regulations implementing the rate approval provisions of Proposition 103. Those regulations are found at Title 10, California Code of Regulations, Sections 2641.1 through 2646.5. As set forth in this notice, various sections of those regulations require the Commissioner to adopt certain numeric factors to be inserted into the ratemaking formula. Section 2646.3 sets forth the procedure for the adoption of those factors. Therefore, the Commissioner is holding the required "generic hearings" to seek input and guidance from the public and the insurance industry regarding the generic determinations.

ISSUES / PROPOSED GENERIC DETERMINATIONS

The purpose of this hearing is to receive comments from those entities directly affected, as well as from insurance consumers and citizens, in order to select a series of generic determinations relating to the prior approval of insurance rates. Following this hearing, the Commissioner intends to promulgate regulations adopting the generic determinations.

Where the Commissioner has not promulgated a numerical value for a generic factor in a given line, values submitted by insurers in rate filings will be evaluated using generally accepted actuarial principles and standards of reasonableness to ensure that the resulting rates are not excessive, inadequate, unfairly discriminatory, or otherwise in violation of law.

Where a specific generic factor is not proposed in this notice, the Commissioner requests comment and supporting data regarding which number he should adopt.

These hearings are convened for the purpose of gathering public input in the following areas:

1) 2644.5 Catastrophe Adjustment

This section requires the commissioner to set, by line, the number of years to be used to average, or "smooth," catastrophe losses. The chart below contains the minimum number of years to be used in smoothing catastrophe losses.

The number of years used to smooth catastrophe losses are from the latest approved ISO loss cost filing for each line of business.

CATASTROPHE ADJUSTMENT	No. of Years
Fire	
* Personal Dwelling Fire	22 years
* Personal Dwelling Extended Coverage	39 Years
* Commercial Property Fire Basic Group I	10 Years
* Commercial Property Fire Basic Group II	50 Years
* Commercial Property Fire Special Causes of Losses	14 Years
Allied Lines	See Fire
Multiple Peril Crop	
Farmowners Multiple Peril:	48 Years
* Farm Property	
Homeowners Multiple Peril:	
* Fire	21 Years
* Wind	39 Years
Commercial Multiple Peril (non-liability)	
* Fire	5 Years
* Extended Coverage / Business Group II	48 Years
* Special Causes of Loss	12 Years
Inland Marine	
Medical Malpractice	
Earthquake	
Other Liability	
Private Passenger Auto Liability	
Commercial Auto Liability	
Private Passenger Auto Physical Damage	34 Years
Commercial Auto Physical Damage	
* Excess Wind and Water Other Than Collision— Commercial Cars and Private Passenger Types	12 Years
Aircraft (all perils)	
Fidelity	
Surety	
Burglary and Theft	
Boiler and Machinery	
Credit	

2) 2644.6 Loss Development

This section provides that the Commissioner prescribe the number of reporting intervals to be used in determining the company specific loss development factor. The chart below contains the minimum number of reporting intervals to be used in determining the loss development factor. The number of loss reporting intervals are from the latest approved ISO loss cost filing for each line of business.

LOSS DEVELOPMENT	Reporting Interval
Personal Fire	6 Reporting Intervals
* Commercial Property Basic Group I, II and Special Causes of Loss	4 Reporting Intervals
Allied Lines	
Multiple Peril Crop	
Farmowners Multiple Peril	
* Liability	18 Reporting Intervals
Homeowners Multiple Peril	6 Reporting Intervals
Commercial Multiple Peril	9 Reporting Intervals
Inland Marine	
Medical Malpractice	19 Reporting Intervals
Earthquake	
Other Liability	
* Premises and Operations: M&C and OL&T—Bodily Injury and Property Damage	18 Reporting Intervals
M&C and OL&T—Fringe	12 Reporting Intervals
* Products/Completed Operations: Bodily Injury and Property Damage	19 Reporting Intervals
Private Passenger Auto Liability	
* Bodily Injury Liability and Uninsured Motorist Liability	6 Reporting Intervals
* Property Damage Liability and Medical Payments	2 Reporting Intervals
Commercial Auto Liability	
* Commercial Cars and Private Passenger Types Bodily Injury	9 Reporting Intervals
* Commercial Cars and Private Passenger Types Property Damage	8 Reporting Intervals
* Garage Dealers and Services Bodily Injury	8 Reporting Intervals
* Garage Dealers and Services Property Damage	7 Reporting Intervals
Private Passenger Auto Physical Damage	
Commercial Auto Physical Damage	
* Commercial Cars and Private Passenger Types OTC & Collision	9 Reporting Intervals
Aircraft (all perils) Fidelity	8 Reporting Intervals
Surety	
Burglary and Theft	8 Reporting Intervals
Boiler and Machinery	
Credit	

3) 2644.7 Loss Trend

This section requires that the Commissioner adopt loss trend factors for those lines of insurance subject to prior approval. The chart below contains the loss trend factors, by line of insurance. The loss trend factors are from the latest approved ISO loss cost file for each line

of insurance, with the exception of private passenger automobile, where Fast Track data was used.

LOSS TREND	Factor
Fire	
* Personal Dwelling Fire and Extended Coverage:	4.7%
* Commercial Property:	
Building Annual Rate of Change	1.8%
Content Annual Rate of Change	4.6%
Time Element Annual Rate of Change	0.8%
Allied Lines	
Multiple Peril Crop	
Farmowners Multiple Peril	
* Property Annual Rate of Change	1.60%
* Inland Marine Livestock Annual Rate of Change	2.00%
* Inland Marine Machinery and Equipment Annual Rate of Change	0.90%
* Liability Annual Rate of Change	-1.00%
Homeowners Multiple Peril	
* Policy Form 2, 3, 3w/15: Annual Rate of Change	2%
* Policy Form 4 and 6: Annual Rate of Change	-0.3%
Commercial Multiple Peril (non-liability)	
* Buildings Annual Trend	2.0%
* Contents Annual Trend	-1.7%
* All Other Property Losses—Use fire	
* Extended Coverage Losses—Use fire	
Commercial Multiple Peril (liability)	
* OL&T Bodily Injury: Selected Annual Severity Trend	5.5%
* OL&T Property Damage: Selected Annual Severity Trend	4.0%
* Combined OL&T BI / PD Annual Severity Trend (Calculated using weights of 88% BI and 12% PD)	5.3%
* Products Bodily Injury: Selected Annual Severity Trend	7.0%
* Products Property Damage: Selected Annual Severity Trend	8.5%
* Combined Products BI / PD Annual Severity Trend (Calculated using weights of 51% BI and 49% PD)	7.7%
* Combined OL&T and Products BI / PD Annual Severity Trend (Calculated using weights of 96% BI and 4% PD)	5.4%
* Burglary & Theft:	-0.01%
Inland Marine	.09%
Medical Malpractice	
* Physicians, Surgeons and Dentists: Selected Annual Trend	5.5%
* Hospital and Health Related Facilities:	9.0%
Earthquake	
Other Liability	
* Frequency Trend	0%
Severity Trend:	
* M & C Bodily Injury:	4.5%
* M & C Property Damage:	7.0%
* M & C Fringe:	9.0%
* OL&T Bodily Injury:	3.0%
* OL&T Property Damage:	6.0%
* OL&T Fringe:	7.0%
* LP/CO Bodily Injury:	1.0%
* LP/CO Property Damage:	9.0%
* Products Bodily Injury:	3.0%
* Products Property Damage	5.5%

LOSS TREND	Factor
Private Passenger Auto Liability	0.52%
** Bodily Injury	-1.86%
** Property Damage	3.61%
Commercial Auto Liability	
* Frequency Trend	0%
* Comm. Cars, Private Passenger Types, & Garage Dealers Bodily Injury:	1.8%
* Comm. Cars, Private Passenger Types, & Garage Dealers Property Damage:	3.6%
* Garage Services Bodily Injury:	1.0%
* Garage Services Property Damages:	7.5%
Private Passenger Auto Physical Damage	6.38%
** Comprehensive	1.25%
** Collision	8.12%
Commercial Auto Physical Damage	
* Frequency Trend	0%
* Commercial Cars Other Than Collision: Selected Annual Severity Trend	4.5%
* Commercial Cars Collision: Selected Annual Severity Trend	1.5%
* Private Passenger Type Other Than Collision: Selected Annual Severity Trend	1.5%
* Private Passenger Collision: Selected Annual Severity Trend	3.0%
Aircraft (all perils)	
Fidelity	
* Annual Severity Trend	5.8%
Surety	
Burglary and Theft	6.3%
Boiler and Machinery	
Credit	

4) 2644.8 ALAE Trend

This section requires that the Commissioner adopt ALAE trend factors for those lines of insurance subject to prior approval. The chart below contains the ALAE trend factors, by line of insurance. The ALAE trend factors are from the latest approved ISO loss cost file for each line of insurance, with the exception of private passenger automobile, where Fast Track data was used. .

ALAE TREND	Factor
Fire	
* Personal Dwelling Fire and Extended Coverage:	4.7%
* Commercial Property: Building Annual Rate of Change	1.8%
Content Annual Rate of Change	4.6%
Time Element Annual Rate of Change	0.8%
Allied Lines	
Multiple Peril Crop	
Farmowners Multiple Peril	
* Property Annual Rate of Change	1.60%
* Inland Marine Livestock Annual Rate of Change	2.00%
* Inland Marine Machinery and Equipment Annual Rate of Change	0.90%
* Liability Annual Rate of Change	-1.00%

ALAE TREND	Factor
Homeowners Multiple Peril	
* Policy Form 2, 3, 3w/15: Annual Rate of Change	2%
* Policy Form 4 and 6: Annual Rate of Change	-0.3%
Commercial Multiple Peril (non-liability)	
* Buildings Annual Trend	2.0%
* Contents Annual Trend	-1.7%
* All Other Property Losses—Use fire	
* Extended Coverage Losses—Use fire	
Commercial Multiple Peril (liability)	
* OL&T Bodily Injury: Selected Annual Severity Trend	5.5%
* OL&T Property Damage: Selected Annual Severity Trend	4.0%
* Combined OL&T BI / PD Annual Severity Trend (Calculated using weights of 88% BI and 12% PD)	5.3%
* Products Bodily Injury: Selected Annual Severity Trend	7.0%
* Products Property Damage: Selected Annual Severity Trend	8.5%
* Combined Products BI / PD Annual Severity Trend (Calculated using weights of 51% BI and 49% PD)	7.7%
* Combined OL&T and Products BI / PD Annual Severity Trend (Calculated using weights of 96% BI and 4% PD)	5.4%
* Burglary & Theft:	- 0.01%
Inland Marine	.09%
Medical Malpractice	
* Physicians, Surgeons and Dentists: Selected Annual Trend	5.5%
* Hospital and Health Related Facilities:	9.0%
Earthquake	
Other Liability	
* Frequency Trend	0%
Severity Trend:	
* M & C Bodily Injury:	4.5%
* M & C Property Damage:	7.0%
* M & C Fringe:	9.0%
* OL&T Bodily Injury:	3.0%
* OL&T Property Damage:	6.0%
* OL&T Fringe:	7.0%
* LP/CO Bodily Injury:	1.0%
* LP/CO Property Damage:	9.0%
* Products Bodily Injury:	3.0%
* Products Property Damage	5.5%
Private Passenger Auto Liability	0.52%
** Bodily Injury	-1.86%
** Property Damage	3.61%
Commercial Auto Liability	
* Frequency Trend	0%
* Comm. Cars, Private Passenger Types, & Garage Dealers Bodily Injury:	1.8%
* Comm. Cars, Private Passenger Types, & Garage Dealers Property Damage:	3.6%
* Garage Services Bodily Injury:	1.0%
* Garage Services Property Damages:	7.5%
Private Passenger Auto Physical Damage	6.38%

ALAE TREND	Factor
** Comprehensive	1.25%
** Collision	8.12%
Commercial Auto Physical Damage	
* Frequency Trend	0%
* Commercial Cars Other Than Collision: Selected Annual Severity Trend	4.5%
* Commercial Cars Collision: Selected Annual Severity Trend	4.5%
* Private Passenger Type Other Than Collision: Selected Annual Severity Trend	1.5%
* Private Passenger Collision: Selected Annual Severity Trend	3.0%
Aircraft (all perils)	
Fidelity	
* Annual Severity Trend	5.8%
Surety	
Burglary and Theft	6.3%
Boiler and Machinery	
Credit	

5) **2644.10(b) Executive Compensation**

Section 2644.10 provides that certain expenses shall be not allowed for ratemaking purposes. Subsection 2644.10(b) specifies that executive compensation that exceeds the reasonable amount for such compensation shall be excluded from expenses allowed for ratemaking purposes. This subsection also requires that the Commissioner determine what constitutes excessive executive compensation.

It is recommended that the prior approval regulations adopt the same approach as that used in C.C.R. section 2645.5(a) for determining excessive executive compensation (but with current, not 1989, data).

6) **2644.11 Expense Trend**

This section requires that the Commissioner set expense trend factors for those lines of insurance subject to prior approval. The chart below contains the expense trend factors by line of insurance.

The expense trend factor was obtained from the Bureau of Labor Statistics, U.S. Department of Labor. The factor represents the 12 month total compensation change for the insurance industry.

EXPENSE TREND	Factor
Fire	4%
Allied Lines	4%
Multiple Peril Crop	4%
Farmowners Multiple Peril	4%
Homeowners Multiple Peril	4%
Commercial Multiple Peril (non-liability)	4%
Commercial Multiple Peril (liability)	4%
Inland Marine	4%
Financial Guaranty	4%
Medical Malpractice	4%
Earthquake	4%
Other Liability	4%
Private Passenger Auto Liability	4%
Commercial Auto Liability	4%
Private Passenger Auto Physical Damage	4%
Commercial Auto Physical Damage	4%
Aircraft (all perils)	4%
Fidelity	4%
Surety	4%
Burglary and Theft	4%
Boiler and Machinery	4%
Credit	4%

7) **2644.12 Efficiency Standard (factor)**

This section requires that the Commissioner adopt efficiency standard values for those lines of insurance subject to prior approval. The chart below contains the efficiency standard values, by line of insurance. The procedure used to calculate these values is the weighted average of companies in each marketing system, using reported premium and expense data. The data was derived from the NAIC database for premium data from state, annual statement expense data from the Insurance Expense Exhibit (IEE).

2000 EFFICIENCY STANDARD (%)	CAPTIVE AGENT	DIRECT WRITER	INDEPENDENT AGENCY
Fire	34.95	25.34	29.47
Allied Lines ¹	39.21	36.62	40.98
Multiple Peril Crop ²	15.12	15.12	15.12
Farmowners Multiple Peril	44.77	38.25	28.99
Homeowners Multiple Peril	36.70	34.72	36.04
Commercial Multiple Peril (non-liability)	41.86	35.63	37.03
Commercial Multiple Peril (liability)	32.11	34.30	38.03
* <i>Com'l Multi-Peril (liability & non-liability)</i>	38.42	35.02	37.51
Inland Marine	36.42	25.55	35.25
Financial Guaranty ³	32.04	32.04	32.04
Medical Malpractice	26.64	26.58	28.80
Earthquake	34.75	27.16	23.95
Other Liability	35.55	32.90	30.90
Private Passenger Auto Liability	35.26	30.48	32.29
Commercial Auto Liability	37.67	32.90	34.34
Private Passenger Auto Physical Damage	34.57	33.83	34.15
Commercial Auto Physical Damage	36.69	34.79	37.42
Aircraft (all perils)	29.69	30.66	28.63
Fidelity	33.40	39.77	40.17
Surety ⁴	49.66	42.16	49.02
Burglary and Theft ⁵	36.99	26.92	38.20
Boiler and Machinery ⁶	33.55	33.12	39.02
Credit	44.73	49.72	37.59

Note:

1. Allied Lines: use Captive/Direct/Independent (C/D/I) weighted average of 36.62% for Direct Writer.
2. Multiple Peril Crop: use Captive standard of 15.12% for Direct Writer and Independent.
3. Financial Guaranty: use Direct Writer standard of 32.04% for Captive and Independent.
4. Surety: use C/D/I weighted average of 49.66% for Captive.
5. Burglary & Theft: use C/D/I weighted average of 36.99% for Captive.
6. Boiler and Machinery: use C/D/I weighted average of 33.12% for Direct Writer

8) 2644.16 Rate of Return

This section requires that the Commissioner set the maximum and minimum permitted after-tax rate of return. Insurer solvency, and hence, adequacy of rates, is of paramount concern to the Commissioner. The Commissioner believes that appropriate weight and consideration should be given actual historical data. For the fifteen-year period from 1985 through 2000, the annual property/casualty return on equity has ranged from 4.0%–17.3%. For the ten year period from 1990 through 2000, the annual property/casualty return on equity has ranged from 4.5%–11.6%. With this in mind, the Commissioner requests comment and supporting justification for the maximum and minimum permitted rate of return. In the past, the Commissioner has allowed a maximum rate of return

for ratemaking purposes of up to 15%. The Commissioner does not intend to set a maximum above that amount in this proceeding, and therefore requests that public comment not advocate a process or model which would result in a maximum rate of return higher than 15%.

9) 2644.17 Leverage Factors

This section requires that the Commissioner set leverage factors for those lines of insurance subject to prior approval. The chart below contains the leverage factors, by line of insurance.

The data was derived from A.M. Best's Aggregate and Averages. For the homeowners and earthquake lines, the factors are consistent with prior decisions of the Commissioner.

LEVERAGE FACTOR	Factor
Fire	3.50 : 1
Allied Lines	3.50 : 1
Multiple Peril Crop	
Farmowners Multiple Peril	2.50 : 1
Homeowners Multiple Peril	2.00 : 1
Commercial Multiple Peril (non-liability)	
Commercial Multiple Peril (liability)	
* Commercial Multi-Peril (combined)	1.75 : 1
Inland Marine	3.50 : 1
Medical Malpractice	1.00 : 1
Earthquake	1.00 : 1
Other Liability	1.00 : 1
Private Passenger Auto Liability	2.00 : 1
Commercial Auto Liability	2.00 : 1
Private Passenger Auto Physical Damage	5.50 : 1

Commercial Auto Physical Damage	5.50 : 1
Aircraft (all perils)	1.00 : 1
Fidelity	2.00 : 1
Surety	2.00 : 1
<i>Glass (no longer an Annual Statement Line)</i>	5.50 : 1
Burglary and Theft	4.00 : 1
Boiler and Machinery	2.50 : 1
Credit	

10) 2644.23 Credibility Adjustment

This section requires that the Commissioner promulgate a credibility adjustment for those lines of insurance subject to prior approval. The chart below contains the credibility standards, by line of insurance.

The credibility factors are from the latest approved ISO loss cost filings for each line of insurance.

LINE OF INSURANCE	FULL CREDIBILITY STANDARD	PARTIAL CREDIBILITY FORMULA
Personal Fire		
Fire	K = 500,000 house years	(earned house years/ K) ^{0.5}
Extended Coverages	K = 330,000 house years	
Commercial Fire		
Basic Group I	K = 18,206	(# of claims in experience period/ K) ^{0.5}
Basic Group II	K = 30,000	(# of claims in experience period/ K) ^{0.5}
Special Causes of Loss	K = 25,000	(# of claims in experience period/ K) ^{0.5}
Allied Lines	See fire	
Multiple Peril Crop		
Farmowners Multiple Peril Property		(Statewide earned risks/ K) ^{0.5}
—Dwellings and HPP	K = 439,116	
—Outbuildings	K = 231,021	
—Farm Personal Property	K = 1,023,294	
Inland Marine	K = 373,895	
	K = 250,000	
	Earned risks	
Farmowners Multiple Peril Liability	K = 2,500 Claims	(# of claims in experience period/ K) ^{0.5}
Homeowners Multiple Peril		
—Forms 2, 3, 3 w/ 15	K = 240,000	(# of earned house years in experience period/ K) ^{0.5}
—Form 4	K = 285,000	
—Form 6	K = 190,000	
Commercial Multiple Peril (non-liability)	K = 9,231	(# of claims in experience period/ K) ^{0.5}
Commercial Multiple Peril (liability)	K = 9,231	(# of claims in experience period/ K) ^{0.5}
Inland Marine	K = 6,187	Z = (# of claims in experience period/ K) ^{0.5}

Medical Malpractice Hospitals Physicians, Surgeons & Dentists	K = 900 K = 700	Z= (# of claims in experience period/ K) ^{0.5}
Earthquake		
Other Liability —Manufacturers and Contractors —Owners, Landlords & Tenants —Products / Completed Operations	K= 8,000 claims K = 6,000 claims K = 7,000 claims	Z= (# of claims in experience period/ K) ^{0.5}
Private Passenger Auto Liability	K = 4,000 claims	Z= (# of claims in experience period/ K) ^{0.5}
Commercial Auto Liability Commercial Cars Private Passenger Types Garages	K = 14,326 Claims K = 6,512 Claims K = 3,743	(# of claims in experience period/ K) ^{0.5}
Private Passenger Auto Physical Damage	K = 4,000 claims	(# of claims in experience period/ K) ^{0.5}
Commercial Auto Physical Damage OTC Commercial Cars Private Passenger Types Collision Commercial Cars Private Passenger Types	K = 10,414 K= 9,615 K = 4,025 K = 3,202	(# of claims in experience period/ K) ^{0.5}
Aircraft (all perils)		
Fidelity	K= 348	Z= (# of claims in experience period/ K) ^{0.5}
Surety		
Burglary and Theft	K= 300	Z= # of claims in experience period / (# of claims in experience period + K)
Boiler and Machinery	K = 10,000	(# of claims in experience period/ K) ^{0.5}
Credit		

PROPOSITION 65

STATE OF CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER OR REPRODUCTIVE TOXICITY JUNE 28, 2002

The Safe Drinking Water and Toxic Enforcement Act of 1986 requires that the Governor revise and republish at least once per year the list of chemicals known to the State to cause cancer or reproductive toxicity. The identification number indicated in the

following list is the Chemical Abstracts Service (CAS) Registry Number. No CAS number is given when several substances are presented as a single listing. The date refers to the initial appearance of the chemical on the list. For easy reference, chemicals which are shown underlined are newly added. Chemicals which are shown with a ~~strikeout~~ were placed on the list with the date noted, and have subsequently been removed.

CHEMICALS KNOWN TO THE STATE TO CAUSE CANCER

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
A-alpha-C (2-Amino-9H-pyrido[2,3-b]indole)	26148685	January 1, 1990
Acetaldehyde	75070	April 1, 1988
Acetamide	60355	January 1, 1990
Acetochlor	34256821	January 1, 1989
2-Acetylaminofluorene	53963	July 1, 1987
Acifluorfen	62476599	January 1, 1990

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Acrylamide	79061	January 1, 1990	2,2-Bis(bromomethyl)-1,3-propanediol	3296900	May 1, 1996
Acrylonitrile	107131	July 1, 1987	Bis(2-chloroethyl)ether	111444	April 1, 1988
Actinomycin D	50760	October 1, 1989	N,N-Bis(2-chloroethyl)-2-naphthylamine (Chlor-napazine)	494031	February 27, 1987
Adriamycin (Doxorubicin hydrochloride)	23214928	July 1, 1987	Bis(chloroethyl) nitrosourea (BCNU)(Carmustine)	154938	July 1, 1987
AF-2;[2-(2-furyl)-3-(5-nitro-2-furyl)]acrylamide	3688537	July 1, 1987	Bis(chloromethyl)ether	542881	February 27, 1987
Aflatoxins	—	January 1, 1988	Bis(2-chloro-1-methylethyl)ether, technical grade	—	October 29, 1999
Alachlor	15972608	January 1, 1989	Bitumens, extracts of steam-refined and air refined	—	January 1, 1990
Alcoholic beverages, when associated with alcohol abuse	—	July 1, 1988	Bracken fern	—	January 1, 1990
Aldrin	309002	July 1, 1988	Bromate	—	May 31, 2002
Allyl chloride	107051	January 1, 1990	Bromodichloromethane	75274	January 1, 1990
<u>Delisted October 29, 1999</u>	<u>117793</u>	<u>October 1, 1989</u>	Bromoethane	74964	December 22, 2000
2-Aminoanthraquinone	117793	October 1, 1989	Bromoform	75252	April 1, 1991
p-Aminoazobenzene	60093	January 1, 1990	1,3-Butadiene	106990	April 1, 1988
ortho-Aminoazotoluene	97563	July 1, 1987	1,4-Butanediol dimethanesulfonate (Busulfan)	55981	February 27, 1987
4-Aminobiphenyl (4-aminodiphenyl)	92671	February 27, 1987	Butylated hydroxyanisole	25013165	January 1, 1990
1-Amino-2,4-dibromoanthraquinone	81492	August 26, 1997	beta-Butyrolactone	3068880	July 1, 1987
3-Amino-9-ethylcarbazole hydrochloride	6109973	July 1, 1989	Cacodylic acid	75605	May 1, 1996
2-Aminofluorene	153786	January 29, 1999	Cadmium and cadmium compounds	—	October 1, 1987
1-Amino-2-methylantraquinone	82280	October 1, 1989	Caffeic acid	331395	October 1, 1994
2-Amino-5-(5-nitro-2-furyl)-1,3,4-thiadiazole	712685	July 1, 1987	Captafol	2425061	October 1, 1988
4-Amino-2-nitrophenol	119346	January 29, 1999	Captan	133062	January 1, 1990
Amitrole	61825	July 1, 1987	Carbazole	86748	May 1, 1996
Analgesic mixtures containing phenacetin	—	February 27, 1987	Carbon tetrachloride	56235	October 1, 1987
Aniline	62533	January 1, 1990	Carbon-black extracts	—	January 1, 1990
Aniline hydrochloride	142041	May 15, 1998	N-Carboxymethyl-N-nitrosourea	60391926	January 25, 2002
ortho-Anisidine	90040	July 1, 1987	Ceramic fibers (airborne particles of respirable size)	—	July 1, 1990
ortho-Anisidine hydrochloride	134292	July 1, 1987	Certain combined chemotherapy for lymphomas	—	February 27, 1987
Antimony oxide (Antimony trioxide)	1309644	October 1, 1990	Chlorambucil	305033	February 27, 1987
Aramite	140578	July 1, 1987	Chloramphenicol	56757	October 1, 1989
Arsenic (inorganic arsenic compounds)	—	February 27, 1987	Chlordane	57749	July 1, 1988
Asbestos	1332214	February 27, 1987	Chlordecone (Kepone)	143500	January 1, 1988
Auramine	492808	July 1, 1987	Chlordimeform	6164983	January 1, 1989
Azacitidine	320672	January 1, 1992	Chlorendic acid	115286	July 1, 1989
Azaserine	115026	July 1, 1987	Chlorinated paraffins (Average chain length, C12; approximately 60 percent chlorine by weight)	108171262	July 1, 1989
Azathioprine	446866	February 27, 1987	p-Chloroaniline	106478	October 1, 1994
Azobenzene	103333	January 1, 1990	p-Chloroaniline hydrochloride	20265967	May 15, 1998
Benz[a]anthracene	56553	July 1, 1987	<u>Chlorodibromomethane</u>	<u>124481</u>	<u>January 1, 1990</u>
Benzene	71432	February 27, 1987	<u>Delisted October 29, 1999</u>	<u>75003</u>	<u>July 1, 1990</u>
Benzidine [and its salts]	92875	February 27, 1987	Chloroethane (Ethyl chloride)	75003	July 1, 1990
Benzidine-based dyes	—	October 1, 1992	1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU)	13010474	January 1, 1988
Benzo[b]fluoranthene	205992	July 1, 1987	(Lomustine)	—	—
Benzo[j]fluoranthene	205823	July 1, 1987	1-(2-Chloroethyl)-3-(4-methylcyclohexyl)-1-nitrosourea (Methyl-CCNU)	13909096	October 1, 1988
Benzo[k]fluoranthene	207089	July 1, 1987	Chloroform	67663	October 1, 1987
Benzofuran	271896	October 1, 1990			
Benzo[a]pyrene	50328	July 1, 1987			
Benzotrichloride	98077	July 1, 1987			
Benzyl chloride	100447	January 1, 1990			
Benzyl violet 4B	1694093	July 1, 1987			
Beryllium and beryllium compounds	—	October 1, 1987			
Betel quid with tobacco	—	January 1, 1990			

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Chloromethyl methyl ether (technical grade)	107302	February 27, 1987	2,4-Diaminoanisole	615054	October 1, 1990
3-Chloro-2-methylpropene	563473	July 1, 1989	2,4-Diaminoanisole sulfate	39156417	January 1, 1988
1-Chloro-4-nitrobenzene	100005	October 29, 1999	4,4'-Diaminodiphenyl ether (4,4'-Oxydianiline)	101804	January 1, 1988
4-Chloro-ortho-phenylenedia- mine	95830	January 1, 1988	2,4-Diaminotoluene	95807	January 1, 1988
p-Chloro-o-toluidine	95692	January 1, 1990	Diaminotoluene (mixed)	—	January 1, 1990
p-Chloro-o-toluidine, strong acid salts of	—	May 15, 1998	Dibenz[a,h]acridine	226368	January 1, 1988
5-Chloro-o-toluidine and its strong acid salts	—	October 24, 1997	Dibenz[a,j]acridine	224420	January 1, 1988
Chloroprene	126998	June 2, 2000	Dibenz[a,h]anthracene	53703	January 1, 1988
Chlorothalonil	1897456	January 1, 1989	7H-Dibenzo[c,g]carbazole	194592	January 1, 1988
Chlorotrianisene	569573	September 1, 1996	Dibenzo[a,e]pyrene	192654	January 1, 1988
Chlorozotocin	54749905	January 1, 1992	Dibenzo[a,h]pyrene	189640	January 1, 1988
Chromium (hexavalent compounds)	—	February 27, 1987	Dibenzo[a,i]pyrene	189559	January 1, 1988
Chrysene	218019	January 1, 1990	Dibenzo[a,l]pyrene	191300	January 1, 1988
C.I. Acid Red 114	6459945	July 1, 1992	1,2-Dibromo-3-chloropropane (DBCP)	96128	July 1, 1987
C.I. Basic Red 9	—	—	2,3-Dibromo-1-propanol	96139	October 1, 1994
monohydrochloride	569619	July 1, 1989	Dichloroacetic acid	79436	May 1, 1996
C.I. Direct Blue 15	2429745	August 26, 1997	p-Dichlorobenzene	106467	January 1, 1989
C.I. Direct Blue 218	28407376	August 26, 1997	3,3'-Dichlorobenzidine	91941	October 1, 1987
C.I. Solvent Yellow 14	842079	May 15, 1998	3,3'-Dichlorobenzidine dihydrochloride	612839	May 15, 1998
Ciclosporin (Cyclosporin A; Cyclosporine)	59865133 79217600	January 1, 1992	1,4-Dichloro-2-butene	764410	January 1, 1990
Cidofovir	113852372	January 29, 1999	3,3'-Dichloro-4,4'-diaminodiphenyl ether	28434868 75343	January 1, 1988 January 1, 1990
Cinnamyl anthranilate	87296	July 1, 1989	1,1-Dichloroethane	75343	January 1, 1990
Cisplatin	15663271	October 1, 1988	Dichloromethane (Methylene chloride)	75092	April 1, 1988
Citrus Red No. 2	6358538	October 1, 1989	1,2-Dichloropropane	78875	January 1, 1990
Clofibrate	637070	September 1, 1996	1,3-Dichloropropene	542756	January 1, 1989
Cobalt metal powder	7440484	July 1, 1992	Dieldrin	60571	July 1, 1988
Cobalt [II] oxide	1307966	July 1, 1992	Dienestrol	84173	January 1, 1990
Cobalt sulfate heptahydrate	10026241	June 2, 2000	Diepoxybutane	1464535	January 1, 1988
Coke oven emissions	—	February 27, 1987	Diesel engine exhaust	—	October 1, 1990
Conjugated estrogens	—	February 27, 1987	Di(2-ethylhexyl)phthalate	117817	January 1, 1988
Creosotes	—	October 1, 1988	1,2-Diethylhydrazine	1615801	January 1, 1988
para-Cresidine	120718	January 1, 1988	Diethyl sulfate	64675	January 1, 1988
Cupferron	135206	January 1, 1988	Diethylstilbestrol (DES)	56531	February 27, 1987
Cycasin	14901087	January 1, 1988	Diglycidyl resorcinol ether (DGRE)	101906	July 1, 1989
Cyclophosphamide (anhydrous)	50180	February 27, 1987	Dihydrosafrole	94586	January 1, 1988
Cyclophosphamide (hydrated)	6055192	February 27, 1987	Diisopropyl sulfate	2973106	April 1, 1993
Cytembena	21739913	May 15, 1998	3,3'-Dimethoxybenzidine (ortho-Dianisidine)	119904	January 1, 1988
D&C Orange No. 17	3468631	July 1, 1990	3,3'-Dimethoxybenzidine dihydrochloride (ortho-Dianisidine dihydrochloride)	20325400	October 1, 1990
D&C Red No. 8	2092560	October 1, 1990	Dimethyl sulfate	77781	January 1, 1988
D&C Red No. 9	5160021	July 1, 1990	4-Dimethylaminoazo- benzene	60117	January 1, 1988
D&C Red No. 19	81889	July 1, 1990	trans-2-[(Dimethyl- amino)methylimino]-5- [2-(5-nitro-2-furyl)vinyl]- 1,3,4-oxadiazole	55738540	January 1, 1988
Dacarbazine	4342034	January 1, 1988	7,12-Dimethylbenz(a) anthracene	57976	January 1, 1990
Daminozide	1596845	January 1, 1990	3,3'-Dimethylbenzidine (ortho-Tolidine)	119937	January 1, 1988
Dantron (Chrysazin; 1,8-Dihydroxyanthraqui- none)	117102	January 1, 1992	3,3'-Dimethylbenzidine dihydrochloride	612828	April 1, 1992
Daunomycin	20830813	January 1, 1988	Dimethylcarbamoyl chloride	79447	January 1, 1988
DDD (Dichlorodiphenyldichloro- ethane)	72548	January 1, 1989	1,1-Dimethylhydrazine (UDMH)	57147	October 1, 1989
DDE (Dichlorodiphenyldichloro- ethylene)	72559	January 1, 1989	1,2-Dimethylhydrazine	540738	January 1, 1988
DDT (Dichlorodiphenyltrichloro- ethane)	50293	October 1, 1987			
DDVP (Dichlorvos)	62737	January 1, 1989			
N,N'-Diacetylbenzidine	613354	October 1, 1989			

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<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Dimethylvinylchloride	513371	July 1, 1989	Glu-P-2 (2-Aminodipyrido[1,2-a:3',2'-d]imidazole)	67730103	January 1, 1990
3,7-Dinitrofluoranthene	105735715	August 26, 1997	Glycidaldehyde	765344	January 1, 1988
3,9-Dinitrofluoranthene	22506532	August 26, 1997	Glycidol	556525	July 1, 1990
1,6-Dinitropyrene	42397648	October 1, 1990	Griseofulvin	126078	January 1, 1990
1,8-Dinitropyrene	42397659	October 1, 1990	Gyromitrin (Acetaldehyde methylformylhydrazine)	16568028	January 1, 1988
Dinitrotoluene mixture, 2,4-/2,6-	—	May 1, 1996	HC Blue 1	2784943	July 1, 1989
2,4-Dinitrotoluene	121142	July 1, 1988	Heptachlor	76448	July 1, 1988
2,6-Dinitrotoluene	606202	July 1, 1995	Heptachlor epoxide	1024573	July 1, 1988
Di-n-propyl isocinchomeronate (MGK Repellent 326)	136458	May 1, 1996	Hexachlorobenzene	118741	October 1, 1987
1,4-Dioxane	123911	January 1, 1988	Hexachlorocyclohexane (technical grade)	—	October 1, 1987
Diphenylhydantoin (Phenytain)	57410	January 1, 1988	Hexachlorodibenzo-dioxin	34465468	April 1, 1988
Diphenylhydantoin (Phenytain), sodium salt	630933	January 1, 1988	Hexachloroethane	67721	July 1, 1990
Direct Black 38 (technical grade)	1937377	January 1, 1988	Hexamethylphosphoramide	680319	January 1, 1988
Direct Blue 6 (technical grade)	2602462	January 1, 1988	Hydrazine	302012	January 1, 1988
Direct Brown 95 (technical grade)	16071866	October 1, 1988	Hydrazine sulfate	10034932	January 1, 1988
Disperse Blue 1	2475458	October 1, 1990	Hydrazobenzene (1,2-Diphenylhydrazine)	122667	January 1, 1988
Diuron	330541	May 31, 2002	Indeno [1,2,3-cd]pyrene	193395	January 1, 1988
Epichlorohydrin	106898	October 1, 1987	Indium phosphide	22398807	February 27, 2001
Erionite	12510428	October 1, 1988	IQ (2-Amino-3-methylimidazo[4,5-f]quinoline)	76180966	April 1, 1990
Estradiol 17B	50282	January 1, 1988	Iprodione	36734197	May 1, 1996
Estragole	140670	October 29, 1999	Iron dextran complex	9004664	January 1, 1988
Estrone	53167	January 1, 1988	Isobutyl nitrite	542563	May 1, 1996
Estropipate	7280377	August 26, 1997	Isoprene	78795	May 1, 1996
Ethinylestradiol	57636	January 1, 1988	Isosafrole	120581	October 1, 1989
Ethoprop	13194484	February 27, 2001	Isoxaflutole	141112290	December 22, 2000
Ethyl acrylate	140885	July 1, 1989	Lactofen	77501634	January 1, 1989
Ethyl methanesulfonate	62500	January 1, 1988	Lasiocarpine	303344	April 1, 1988
Ethyl-4,4'-dichlorobenzilate	510156	January 1, 1990	Lead acetate	301042	January 1, 1988
Ethylene dibromide	106934	July 1, 1987	Lead and lead compounds	—	October 1, 1992
Ethylene dichloride (1,2-Dichloroethane)	107062	October 1, 1987	Lead phosphate	7446277	April 1, 1988
Ethylene oxide	75218	July 1, 1987	Lead subacetate	1335326	October 1, 1989
Ethylene thiourea	96457	January 1, 1988	Lindane and other hexachlorocyclohexane isomers	—	October 1, 1989
Ethyleneimine	151564	January 1, 1988	Lynestrenol	52766	February 27, 2001
Fenoxycarb	72490018	June 2, 2000	Mancozeb	8018017	January 1, 1990
Folpet	133073	January 1, 1989	Maneb	12427382	January 1, 1990
Formaldehyde (gas)	50000	January 1, 1988	Me-A-alpha-C (2-Amino-3-methyl-9H-pyrido[2,3-b]indole)	68006837	January 1, 1990
2-(2-Formylhydrazino)-4-(5-nitro-2-furyl)thiazole	3570750	January 1, 1988	Medroxyprogesterone acetate	71589	January 1, 1990
Furan	110009	October 1, 1993	MeIQ(2-Amino-3,4-dimethylimidazo[4,5-f]quinoline)	77094112	October 1, 1994
Furazolidone	67458	January 1, 1990	MeIQx(2-Amino-3,8-dimethylimidazo[4,5-f]quinoxaline)	7500040	October 1, 1994
Furmecyclox	60568050	January 1, 1990	Melphalan	148823	February 27, 1987
Fusarin C	79748815	July 1, 1995	Merphalan	531760	April 1, 1988
Ganciclovir sodium	82410320	August 26, 1997	Mestranol	72333	April 1, 1988
Gasoline engine exhaust (condensates/extracts)	—	October 1, 1990			
Gemfibrozil	25812300	December 22, 2000			
Glasswool fibers (airborne particles of respirable size)	—	July 1, 1990			
Glu-P-1 (2-Amino-6-methyldipyrido[1,2-a:3',2'-d]imidazole)	67730114	January 1, 1990			

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Metham sodium	137428	November 6, 1998	o-Nitroanisole	91236	October 1, 1992
8-Methoxypsoralen with ultraviolet A therapy	298817	February 27, 1987	Nitrobenzene	98953	August 26, 1997
5-Methoxypsoralen with ultraviolet A therapy	484208	October 1, 1988	4-Nitrobiphenyl	92933	April 1, 1988
2-Methylaziridine	75558	January 1, 1988	6-Nitrochrysene	7496028	October 1, 1990
(Propyleneimine)	590965	April 1, 1988	Nitrofen (technical grade)	1836755	January 1, 1988
Methylazoxymethanol	592621	April 1, 1988	2-Nitrofluorene	607578	October 1, 1990
Methylazoxymethanol acetate	598550	May 15, 1998	Nitrofurazone	59870	January 1, 1990
Methyl carbamate	56495	January 1, 1990	1-[(5-Nitrofurfurylidene)-amino]- 2-imidazolidinone	555840	April 1, 1988
3-Methylcholanthrene	3697243	April 1, 1988	N-[4-(5-Nitro-2-furyl)-2- thiazolyl]acetamide	531828	April 1, 1988
5-Methylchrysene	101144	July 1, 1987	Nitrogen mustard (Mechlorethamine)	51752	January 1, 1988
4,4'-Methylene bis (2-chloroaniline)	101611	October 1, 1989	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	55867	April 1, 1988
4,4'-Methylene bis (2-methylaniline)	838880	April 1, 1988	Nitrogen mustard N-oxide	126852	April 1, 1988
4,4'-Methylenedianiline	101779	January 1, 1988	Nitrogen mustard N-oxide hydrochloride	302705	April 1, 1988
4,4'-Methylenedianiline dihydrochloride	13552448	January 1, 1988	Nitromethane	75525	May 1, 1997
Methyleugenol	93152	November 16, 2001	2-Nitropropane	79469	January 1, 1988
Methylhydrazine and its salts	—	July 1, 1992	1-Nitropyrene	5522430	October 1, 1990
Methyl iodide	74884	April 1, 1988	4-Nitropyrene	57835924	October 1, 1990
Methylmercury compounds	—	May 1, 1996	N-Nitrosodi-n-butylamine	924163	October 1, 1987
Methyl methanesulfonate	66273	April 1, 1988	N-Nitrosodiethanolamine	1116547	January 1, 1988
2-Methyl-1-nitroanthraquin- one (of uncertain purity)	129157	April 1, 1988	N-Nitrosodiethylamine	55185	October 1, 1987
N-Methyl-N'-nitro-N- nitrosoguanidine	70257	April 1, 1988	N-Nitrosodimethylamine	62759	October 1, 1987
N-Methylolacrylamide	924425	July 1, 1990	p-Nitrosodiphenylamine	156105	January 1, 1988
Methylthiouracil	56042	October 1, 1989	N-Nitrosodiphenylamine	86306	April 1, 1988
Metiram	9006422	January 1, 1990	N-Nitrosodi-n-propylamine	621647	January 1, 1988
Metronidazole	443481	January 1, 1988	N-Nitroso-N-ethylurea	759739	October 1, 1987
Michler's ketone	90948	January 1, 1988	3-(N-Nitrosomethylamino) propionitrile	60153493	April 1, 1990
Mirex	2385855	January 1, 1988	4-(N-Nitrosomethylam- ino)-1-(3-pyridyl)1- butanone	64091914	April 1, 1990
Mitomycin C	50077	April 1, 1988	N-Nitrosomethylethyl- amine	10595956	October 1, 1989
Monocrotaline	315220	April 1, 1988	N-Nitroso-N-methylurea	684935	October 1, 1987
5-(Morpholinomethyl)-3-[(5-nitro- furfurylidene)- amino]-2-oxalolidinone	139913	April 1, 1988	N-Nitroso-N-methylurethane	615532	April 1, 1988
Mustard Gas	505602	February 27, 1987	N-Nitrosomethylvinyl- amine	4549400	January 1, 1988
MX (3-chloro-4-dichloromethyl-5- hydroxy-2(5H)-furanone)	77439760	December 22, 2000	N-Nitrosomorpholine	59892	January 1, 1988
Nafenopin	3771195	April 1, 1988	N-Nitrosornicotine	16543558	January 1, 1988
Nalidixic acid	389082	May 15, 1998	N-Nitrosopiperidine	100754	January 1, 1988
Naphthalene	91203	April 19, 2002	N-Nitrosopyrrolidine	930552	October 1, 1987
1-Naphthylamine	134327	October 1, 1989	N-Nitrososarcosine	13256229	January 1, 1988
2-Naphthylamine	91598	February 27, 1987	o-Nitrotoluene	88722	May 15, 1998
Nickel and certain nickel compounds	—	October 1, 1989	Norethisterone (Norethin- drone)	68224	October 1, 1989
Nickel carbonyl	13463393	October 1, 1987	Norethynodrel	68235	February 27, 2001
Nickel refinery dust from the pyrometallurgical process	—	October 1, 1987	Ochratoxin A	303479	July 1, 1990
Nickel subsulfide	12035722	October 1, 1987	Oil Orange SS	2646175	April 1, 1988
Nitridazole	61574	April 1, 1988	Oral contraceptives, combined	—	October 1, 1989
Nitritotriacetic acid	139139	January 1, 1988	Oral contraceptives, sequential	—	October 1, 1989
Nitritotriacetic acid, tri- sodium salt mono- hydrate	18662538	April 1, 1989	Oxadiazon	19666309	July 1, 1991
5-Nitroacenaphthene	602879	April 1, 1988	Oxazepam	604751	October 1, 1994
5-Nitro-o-anisidine	99592	October 1, 1989	Oxymetholone	434071	January 1, 1988
			Oxythioquinox	2439012	August 20, 1999
			Palygorskite fibers (>5µm in length)	12174117	December 28, 1999

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>	<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
Panfuran S	794934	January 1, 1988	Sterigmatocystin	10048132	April 1, 1988
Pentachlorophenol	87865	January 1, 1990	Streptozotocin (streptozocin)	18883664	January 1, 1988
Phenacetin	62442	October 1, 1989	Styrene oxide	96093	October 1, 1988
Phenazopyridine	94780	January 1, 1988	Sulfallate	95067	January 1, 1988
Phenazopyridine hydrochloride	136403	January 1, 1988	Talc containing asbestiform fibers	—	April 1, 1990
Phenesterin	3546109	July 1, 1989	Tamoxifen and its salts	10540291	September 1, 1996
Phenobarbital	50066	January 1, 1990	Terrazole	2593159	October 1, 1994
Phenolphthalein	77098	May 15, 1998	Testosterone and its esters	58220	April 1, 1988
Phenoxybenzamine	59961	April 1, 1988	2,3,7,8-Tetrachlorodibenzo-para- dioxin (TCDD)	1746016	January 1, 1988
Phenoxybenzamine hydrochloride	63923	April 1, 1988	1,1,2,2-Tetrachloroethane	79345	July 1, 1990
o-Phenylenediamine and its salts	95545	May 15, 1998	Tetrachloroethylene		
Phenyl glycidyl ether	122601	October 1, 1990	(Perchloroethylene)	127184	April 1, 1988
Phenylhydrazine and its salts	—	July 1, 1992	p-a,a,a-Tetrachloro- toluene	5216251	January 1, 1990
o-Phenylphenate, sodium	132274	January 1, 1990	Tetrafluoroethylene	116143	May 1, 1997
o-Phenylphenol	90437	August 4, 2000	Tetranitromethane	509148	July 1, 1990
PhiP(2-Amino-1-methyl-6- phenylimidazol[4,5-b] pyridine)	105650235	October 1, 1994	Thioacetamide	62555	January 1, 1988
Polybrominated biphenyls	—	January 1, 1988	4,4'-Thiodianiline	139651	April 1, 1988
Polychlorinated biphenyls	—	October 1, 1989	Thiodicarb	59669260	August 20, 1999
Polychlorinated biphenyls (containing 60 or more percent chlorine by molecular weight)	—	January 1, 1988	Thiourea	62566	January 1, 1988
Polychlorinated dibenzo-p-dioxins	—	October 1, 1992	Thorium dioxide	1314201	February 27, 1987
Polychlorinated dibenzofurans	—	October 1, 1992	Tobacco, oral use of smokeless products	—	April 1, 1988
Polygeenan	53973981	January 1, 1988	Tobacco smoke	—	April 1, 1988
Ponceau MX	3761533	April 1, 1988	Toluene diisocyanate	26471625	October 1, 1989
Ponceau 3R	3564098	April 1, 1988	ortho-Toluidine	95534	January 1, 1988
Potassium bromate	7758012	January 1, 1990	ortho-Toluidine hydrochloride	636215	January 1, 1988
Primidone	125337	August 20, 1999	para-Toluidine	406490	January 1, 1990
Procarbazine	671169	January 1, 1988	Delisted October 29, 1999		
Procarbazine hydrochloride	366701	January 1, 1988	Toxaphene (Polychlorinated camphenes)	8001352	January 1, 1988
Procymidone	32809168	October 1, 1994	Treosulfan	299752	February 27, 1987
Progesterone	57830	January 1, 1988	Trichlormethine (Trimustine hydrochloride)	817094	January 1, 1992
Pronamide	23950585	May 1, 1996	Trichloroethylene	79016	April 1, 1988
Propachlor	1918167	February 27, 2001	2,4,6-Trichlorophenol	88062	January 1, 1988
1,3-Propane sultone	1120714	January 1, 1988	1,2,3-Trichloropropane	96184	October 1, 1992
Propargite	2312358	October 1, 1994	Trimethyl phosphate	512561	May 1, 1996
beta-Propiolactone	57578	January 1, 1988	2,4,5-Trimethylaniline and its strong acid salts	—	October 24, 1997
Propylene oxide	75569	October 1, 1988	Triphenyltin hydroxide	76879	July 1, 1992
Propylthiouracil	51525	January 1, 1988	Tris(aziridinyl)-para-benzoquinone (Triaziuqone)	68768	October 1, 1989
Pyridine	110861	May 17, 2002	Tris(1-aziridinyl)phosphine sulfide (Thiotepa)	52244	January 1, 1988
Quinoline and its strong acid salts	—	October 24, 1997	Tris(2-chloroethyl) phosphate	115968	April 1, 1992
Radionuclides	—	July 1, 1989	Tris(2,3-dibromopropyl)phos- phate	126727	January 1, 1988
Reserpine	50555	October 1, 1989	Trp-P-1 (Tryptophan-P-1)	62450060	April 1, 1988
Residual (heavy) fuel oils	—	October 1, 1990	Trp-P-2 (Tryptophan-P-2)	62450071	April 1, 1988
Saccharin			Trypan blue (commercial grade)	72571	October 1, 1989
Delisted April 6, 2001	81072	October 1, 1989	Unleaded gasoline (wholly vaporized)	—	April 1, 1988
Saccharin, sodium	128449	January 1, 1988	Uracil mustard	66751	April 1, 1988
Safrole	94597	January 1, 1988	Urethane (Ethyl carbamate)	51796	January 1, 1988
Salicylazosulfapyridine	599791	May 15, 1998	Vinclozolin	50471448	August 20, 1999
Selenium sulfide	7446346	October 1, 1989	Vinyl bromide	593602	October 1, 1988
Shale-oils	68308349	April 1, 1990	Vinyl chloride	75014	February 27, 1987
Silica, crystalline (airborne particles of respirable size)	—	October 1, 1988	4-Vinylcyclohexene	100403	May 1, 1996
Soots, tars, and mineral oils (untreated and mildly treated oils and used engine oils)	—	February 27, 1987			
Spironolactone	52017	May 1, 1997			
Stanozolol	10418038	May 1, 1997			

<i>Chemical</i>	<i>CAS Number</i>	<i>Date</i>
4-Vinyl-1-cyclohexene diepoxide (Vinyl cyclohexene dioxide)	106876	July 1, 1990
Vinyl fluoride	75025	May 1, 1997
Vinyl trichloride (1,1,2-Trichloroethane)	79005	October 1, 1990
2,6-Xylidine (2,6-Dimethylani- line)	87627	January 1, 1991
Zileuton	111406872	December 22, 2000
Zineb		
<u>Delisted October 29, 1999</u>	42422677	January 1, 1990

CHEMICALS KNOWN TO THE STATE TO
CAUSE REPRODUCTIVE TOXICITY

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Acetazolamide	developmental	59665	August 20, 1999
Acetohydroxamic acid	developmental	546883	April 1, 1990
Actinomycin D	developmental	50760	October 1, 1992
All-trans retinoic acid	developmental	302794	January 1, 1989
Alprazolam	developmental	28981977	July 1, 1990
Altretamine	developmental, male	645056	August 20, 1999
Amantadine hydrochloride	developmental	665667	February 27, 2001
Amikacin sulfate	developmental	39831555	July 1, 1990
Aminoglutethimide	developmental	125848	July 1, 1990
Aminoglycosides	developmental	—	October 1, 1992
Aminopterin	developmental, female	54626	July 1, 1987
Amiodarone hydrochloride	developmental, female, male	19774824	August 26, 1997
Amitraz	developmental	33089611	March 30, 1999
Amoxapine	developmental	14028445	May 15, 1998
Anabolic steroids	female, male	—	April 1, 1990
Angiotensin converting enzyme (ACE) inhibitors	developmental	—	October 1, 1992
Anisindione	developmental	117373	October 1, 1992
Arsenic (inorganic oxides)	developmental	—	May 1, 1997
Aspirin (NOTE: It is especially important not to use aspirin during the last three months of pregnancy, unless specifically directed to do so by a physician because it may cause problems in the unborn child or complications during delivery.)	developmental, female	50782	July 1, 1990
Atenolol	developmental	29122687	August 26, 1997
Auranofin	developmental	34031328	January 29, 1999
Azathioprine	developmental	446866	September 1, 1996
Barbiturates	developmental	—	October 1, 1992
Beclomethasone dipropionate	developmental	5534098	May 15, 1998
Benomyl	developmental, male	17804352	July 1, 1991
Benzene	developmental, male	71432	December 26, 1997
Benzphetamine hydrochloride	developmental	5411223	April 1, 1990
Benzodiazepines	developmental	—	October 1, 1992
Bischloroethyl nitrosourea (BCNU) (Carmustine)	developmental	154938	July 1, 1990
Bromacil lithium salt	developmental	53404196	May 18, 1999
Bromoxynil	developmental	1689845	October 1, 1990
Bromoxynil octanoate	developmental	1689992	May 18, 1999
Butabarbital sodium	developmental	143817	October 1, 1992
1,4-Butanediol dimethane-sulfonate (Busulfan)	developmental	55981	January 1, 1989

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Cadmium	developmental, male	—	May 1, 1997
Carbamazepine	developmental	298464	January 29, 1999
Carbon disulfide	developmental, female, male	75150	July 1, 1989
Carbon monoxide	developmental	630080	July 1, 1989
Carboplatin	developmental	41575944	July 1, 1990
Chenodiol	developmental	474259	April 1, 1990
Chinomethionat (Oxythioquinox)	developmental	2439012	November 6, 1998
Chlorambucil	developmental	305033	January 1, 1989
Chlorcyclizine hydrochloride	developmental	1620219	July 1, 1987
Chlordecone (Kepone)	developmental	143500	January 1, 1989
Chlordiazepoxide	developmental	58253	January 1, 1992
Chlordiazepoxide hydrochloride	developmental	438415	January 1, 1992
1-(2-Chloroethyl)-3-cyclohexyl-1-nitrosourea (CCNU) (Lomustine)	developmental	13010474	July 1, 1990
Chlorsulfuron	developmental, female, male	64902723	May 14, 1999
Cidofovir	developmental, female, male	113852372	January 29, 1999
Cladribine	developmental	4291638	September 1, 1996
Clarithromycin	developmental	81103119	May 1, 1997
Clobetasol propionate	developmental, female	25122467	May 15, 1998
Clomiphene citrate	developmental	50419	April 1, 1990
Clorazepate dipotassium	developmental	57109907	October 1, 1992
Cocaine	developmental, female	50362	July 1, 1989
Codeine phosphate	developmental	52288	May 15, 1998
Colchicine	developmental, male	64868	October 1, 1992
Conjugated estrogens	developmental	—	April 1, 1990
Cyanazine	developmental	21725462	April 1, 1990
Cycloate	developmental	1134232	March 19, 1999
Cyclohexanol	male	108930	November 6, 1998
<u>Delisted January 25, 2002</u>			
Cycloheximide	developmental	66819	January 1, 1989
Cyclophosphamide (anhydrous)	developmental, female, male	50180	January 1, 1989
Cyclophosphamide (hydrated)	developmental, female, male	6055192	January 1, 1989
Cyhexatin	developmental	13121705	January 1, 1989
Cytarabine	developmental	147944	January 1, 1989
Dacarbazine	developmental	4342034	January 29, 1999
Danazol	developmental	17230885	April 1, 1990
Daunorubicin hydrochloride	developmental	23541506	July 1, 1990
2,4-D butyric acid	developmental, male	94826	June 18, 1999
o,p' -DDT	developmental, female, male	789026	May 15, 1998
p,p' -DDT	developmental, female, male	50293	May 15, 1998
2,4-DP (dichloroprop)	developmental	120365	April 27, 1999
<u>Delisted January 25, 2002</u>			
Demeclocycline hydrochloride (internal use)	developmental	64733	January 1, 1992
Diazepam	developmental	439145	January 1, 1992
Diazoxide	developmental	364987	February 27, 2001
1,2-Dibromo-3-chloropropane (DBCP)	male	96128	February 27, 1987
Dichlorophene	developmental	97234	April 27, 1999
Dichlorophenamide	developmental	120978	February 27, 2001
Diclofop methyl	developmental	51338273	March 5, 1999
Dicumarol	developmental	66762	October 1, 1992
Diethylstilbestrol (DES)	developmental	56531	July 1, 1987
Diflunisal	developmental, female	22494424	January 29, 1999
Dihydroergotamine mesylate	developmental	6190392	May 1, 1997
Diltiazem hydrochloride	developmental	33286225	February 27, 2001
m-Dinitrobenzene	male	99650	July 1, 1990
o-Dinitrobenzene	male	528290	July 1, 1990
p-Dinitrobenzene	male	100254	July 1, 1990
2,4-Dinitrotoluene	male	121142	August 20, 1999
2,6-Dinitrotoluene	male	606202	August 20, 1999

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<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>	<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Dinitrotoluene (technical grade)	female, male	—	August 20, 1999	Iodine-131	developmental	10043660	January 1, 1989
Dinocap	developmental	39300453	April 1, 1990	Isotretinoin	developmental	4759482	July 1, 1987
Dinoseb	developmental, male	88857	January 1, 1989	Lead	developmental, female, male	—	February 27, 1987
Diphenylhydantoin (Phenytoin)	developmental	57410	July 1, 1987	Leuprolide acetate	developmental, female, male	74381536	August 26, 1997
Disodium cyanodithioimidocarbonate	developmental	138932	March 30, 1999	Levodopa	developmental	59927	January 29, 1999
Doxorubicin hydrochloride	developmental, male	23214928	January 29, 1999	Levonorgestrel implants	female	797637	May 15, 1998
Doxycycline (internal use)	developmental	564250	July 1, 1990	Linuron	developmental	330552	March 19, 1999
Doxycycline calcium (internal use)	developmental	9408854	January 1, 1992	Lithium carbonate	developmental	554132	January 1, 1991
Doxycycline hyclate (internal use)	developmental	24390145	October 1, 1991	Lithium citrate	developmental	919164	January 1, 1991
Doxycycline monohydrate (internal use)	developmental	17086281	October 1, 1991	Lorazepam	developmental	846491	July 1, 1990
Endrin	developmental	72208	May 15, 1998	Lovastatin	developmental	75330755	October 1, 1992
Epichlorohydrin	male	106898	September 1, 1996	Mebendazole	developmental	31431397	August 20, 1999
Ergotamine tartrate	developmental	379793	April 1, 1990	Medroxyprogesterone acetate	developmental	71589	April 1, 1990
Estropipate	developmental	7280377	August 26, 1997	Megestrol acetate	developmental	595335	January 1, 1991
Ethionamide	developmental	536334	August 26, 1997	Melphalan	developmental	148823	July 1, 1990
Ethyl alcohol in alcoholic beverages	developmental	—	October 1, 1987	Menotropins	developmental	9002680	April 1, 1990
Ethyl dipropylthiocarbamate	developmental	759944	April 27, 1999	Meprobamate	developmental	57534	January 1, 1992
Ethylene dibromide	developmental, male	106934	May 15, 1998	Mercaptopurine	developmental	6112761	July 1, 1990
Ethylene glycol monoethyl ether	developmental, male	110805	January 1, 1989	Mercury and mercury compounds	developmental	—	July 1, 1990
Ethylene glycol monomethyl ether	developmental, male	109864	January 1, 1989	Methacycline hydrochloride	developmental	3963959	January 1, 1991
Ethylene glycol monoethyl ether acetate	developmental, male	111159	January 1, 1993	Metham sodium	developmental	137428	May 15, 1998
Ethylene glycol monomethyl ether acetate	developmental, male	110496	January 1, 1993	Methazole	developmental	20354261	December 1, 1999
Ethylene oxide	female	75218	February 27, 1987	Methimazole	developmental	60560	July 1, 1990
Ethylene thiourea	developmental	96457	January 1, 1993	Methotrexate	developmental	59052	January 1, 1989
Etodolac	developmental, female	41340254	August 20, 1999	Methotrexate sodium	developmental	15475566	April 1, 1990
Etoposide	developmental	33419420	July 1, 1990	Methyl bromide as a structural fumigant	developmental	74839	January 1, 1993
Etreinate	developmental	54350480	July 1, 1987	Methyl chloride	developmental	74873	March 10, 2000
Fenoxaprop ethyl	developmental	66441234	March 26, 1999	Methyl mercury	developmental	—	July 1, 1987
Filgrastim	developmental	121181531	February 27, 2001	N-Methylpyrrolidone	developmental	872504	June 15, 2001
Fluazifop butyl	developmental	69806504	November 6, 1998	Methyltestosterone	developmental	58184	April 1, 1990
Flunisolide	developmental, female	3385033	May 15, 1998	Metiram	developmental	9006422	March 30, 1999
Fluorouracil	developmental	51218	January 1, 1989	Midazolam hydrochloride	developmental	59467968	July 1, 1990
Fluoxymesterone	developmental	76437	April 1, 1990	Minocycline hydrochloride (internal use)	developmental	13614987	January 1, 1992
Flurazepam hydrochloride	developmental	1172185	October 1, 1992	Misoprostol	developmental	59122462	April 1, 1990
Flurbiprofen	developmental, female	5104494	August 20, 1999	Mitoxantrone hydrochloride	developmental	70476823	July 1, 1990
Flutamide	developmental	13311847	July 1, 1990	Myclobutanil	developmental, male	88671890	April 16, 1999
Fluticasone propionate	developmental	80474142	May 15, 1998	Nabam	developmental	142596	March 30, 1999
Fluvalinate	developmental	69409945	November 6, 1998	Nafarelin acetate	developmental	86220420	April 1, 1990
Ganciclovir sodium	developmental, male	82410320	August 26, 1997	Neomycin sulfate (internal use)	developmental	1405103	October 1, 1992
Gemfibrozil	female, male	25812300	August 20, 1999	Netilmicin sulfate	developmental	56391572	July 1, 1990
Goserelin acetate	developmental, female, male	65807025	August 26, 1997	Nickel carbonyl	developmental	13463393	September 1, 1996
Halazepam	developmental	23092173	July 1, 1990	Nicotine	developmental	54115	April 1, 1990
Halobetasol propionate	developmental	66852548	August 20, 1999	Nifedipine	developmental, female, male	21829254	January 29, 1999
Haloperidol	developmental, female	52868	January 29, 1999	Nimodipine	developmental	66085594	April 24, 2001
Halothane	developmental	151677	September 1, 1996	Nitrapyrin	developmental	1929824	March 30, 1999
Heptachlor	developmental	76448	August 20, 1999	Nitrofurantoin	male	67209	April 1, 1991
Hexachlorobenzene	developmental	118741	January 1, 1989	Nitrogen mustard (Mechlorethamine)	developmental	51752	January 1, 1989
Hexamethylphosphoramide	male	680319	October 1, 1994	Nitrogen mustard hydrochloride (Mechlorethamine hydrochloride)	developmental	55867	July 1, 1990
Histrelin acetate	developmental	—	May 15, 1998	Norethisterone (Norethindrone)	developmental	68224	April 1, 1990
Hydramethylnon	developmental, male	67485294	March 5, 1999	Norethisterone acetate (Norethindrone acetate)	developmental	51989	October 1, 1991
Hydroxyurea	developmental	127071	May 1, 1997	Norethisterone (Norethindrone)/Ethinyl estradiol	developmental	68224/57636	April 1, 1990
Idarubicin hydrochloride	developmental, male	57852570	August 20, 1999	Norethisterone (Norethindrone)/Mestranol	developmental	68224/72333	April 1, 1990
Ifosfamide	developmental	3778732	July 1, 1990	Norgestrel	developmental	6533002	April 1, 1990
				Oxadiazon	developmental	19666309	May 15, 1998
				Oxazepam	developmental	604751	October 1, 1992
				Oxydemeton methyl	female, male	301122	November 6, 1998
				Oxymetholone	developmental	434071	May 1, 1997

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Oxytetracycline (internal use)	developmental	79572	January 1, 1991
Oxytetracycline hydrochloride (internal use)	developmental	2058460	October 1, 1991
Paclitaxel	developmental, female, male	33069624	August 26, 1997
Paramethadione	developmental	115673	July 1, 1990
Penicillamine	developmental	52675	January 1, 1991
Pentobarbital sodium	developmental	57330	July 1, 1990
Pentostatin	developmental	53910251	September 1, 1996
Phenacemide	developmental	63989	July 1, 1990
Phenprocoumon	developmental	435972	October 1, 1992
Pimozide	developmental, female	2062784	August 20, 1999
Pipobroman	developmental	54911	July 1, 1990
Plicamycin	developmental	18378897	April 1, 1990
Polybrominated biphenyls	developmental	—	October 1, 1994
Polychlorinated biphenyls	developmental	—	January 1, 1991
Potassium dimethyldithiocarbamate	developmental	128030	March 30, 1999
Pravastatin sodium	developmental	81131706	March 3, 2000
Prednisolone sodium phosphate	developmental	125020	August 20, 1999
Procarbazine hydrochloride	developmental	366701	July 1, 1990
Propargite	developmental	2312358	June 15, 1999
Propylthiouracil	developmental	51525	July 1, 1990
Pyrimethamine	developmental	58140	January 29, 1999
Quazepam	developmental	36735225	August 26, 1997
Quizalofop-ethyl	male	76578148	December 24, 1999
Resmethrin	developmental	10453868	November 6, 1998
Retinol/retinyl esters, when in daily dosages in excess of 10,000 IU, or 3,000 retinol equivalents. (NOTE: Retinol/retinyl esters are required and essential for maintenance of normal reproductive function. The recommended daily level during pregnancy is 8,000 IU.)	developmental	—	July 1, 1989
Ribavirin	developmental	36791045	April 1, 1990
	male	36791045	February 27, 2001
Rifampin	developmental, female	13292461	February 27, 2001
Secobarbital sodium	developmental	309433	October 1, 1992
Sermorelin acetate	developmental	—	August 20, 1999
Sodium dimethyldithiocarbamate	developmental	128041	March 30, 1999
Sodium fluoroacetate	male	62748	November 6, 1998
Streptomycin sulfate	developmental	3810740	January 1, 1991
Streptozocin (streptozotocin)	developmental, female, male	18883664	August 20, 1999
Sulfasalazine	male	599791	January 29, 1999
Sulindac	developmental, female	38194502	January 29, 1999
Tamoxifen citrate	developmental	54965241	July 1, 1990
Temazepam	developmental	846504	April 1, 1990
Teniposide	developmental	29767202	September 1, 1996
Terbacil	developmental	5902512	May 18, 1999
Testosterone cypionate	developmental	58208	October 1, 1991
Testosterone enanthate	developmental	315377	April 1, 1990
2,3,7,8-Tetrachlorodibenzo- paradoxin (TCDD)	developmental	1746016	April 1, 1991
Tetracycline (internal use)	developmental	60548	October 1, 1991
Tetracyclines (internal use)	developmental	—	October 1, 1992
Tetracycline hydrochloride (internal use)	developmental	64755	January 1, 1991
Thalidomide	developmental	50351	July 1, 1987
Thioguanine	developmental	154427	July 1, 1990
Thiophanate methyl	female, male	23564058	May 18, 1999
Tobacco smoke (primary)	developmental, female, male	—	April 1, 1988
Tobramycin sulfate	developmental	49842071	July 1, 1990

<i>Chemical</i>	<i>Type of Reproductive Toxicity</i>	<i>CAS No.</i>	<i>Date Listed</i>
Toluene	developmental	108883	January 1, 1991
Triadimefon	developmental, female, male	43121433	March 30, 1999
Triazolam	developmental	28911015	April 1, 1990
Tributyltin methacrylate	developmental	2155706	December 1, 1999
Trientine hydrochloride	developmental	38260014	February 27, 2001
Triforine	developmental	26644462	June 18, 1999
		37273840	
Trilostane	developmental	13647353	April 1, 1990
Trimethadione	developmental	127480	January 1, 1991
Trimetrexate glucuronate	developmental	82952645	August 26, 1997
Triphenyltin hydroxide	developmental	76879	March 18, 2002
Uracil mustard	developmental, female, male	66751	January 1, 1992
Urethane	developmental	51796	October 1, 1994
Urofollitropin	developmental	26995915	April 1, 1990
Valproate (Valproic acid)	developmental	99661	July 1, 1987
Vinblastine sulfate	developmental	143679	July 1, 1990
Vinclozolin	developmental	50471448	May 15, 1998
Vincristine sulfate	developmental	2068782	July 1, 1990
Warfarin	developmental	81812	July 1, 1987
Zileuton	developmental, female	111406872	December 22, 2000

Date: June 28, 2002

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (Proposition 65)

NOTICE TO INTERESTED PARTIES June 28, 2002

CORRECTION TO THE LIST OF CHEMICALS AS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER OR REPRODUCTIVE TOXICITY

The Office of Environmental Health Hazard Assessment (OEHHA) is making two corrections to the list of chemicals as known to the State of California to cause cancer or reproductive toxicity which was published on **May 31, 2002** in the California Regulatory Notice Register (Register 02, No. 22-Z). The chemical, *triforine*, which was listed on June 18, 1999 as a chemical known to the State to cause developmental toxicity had two Chemical Abstract Service (CAS) numbers included for the chemical. The correct CAS number for *triforine* should be: 26644-46-2. The chemical, *bromate*, was listed without a CAS number on May 31, 2002 as a chemical known to the State to cause cancer. OEHHA has since determined the correct CAS number for *bromate*, which is: 15541-45-4.

Following is the correct listing for the two chemicals:

Cancer

<i>Chemical</i>	<i>Previously Listed CAS No.</i>	<i>Correct CAS No.</i>	<i>Date of Listing</i>
Bromate	—	15541-45-4	May 31, 2002

Reproductive toxicity

<i>Chemical</i>	<i>Endpoint</i>	<i>Previously Listed CAS No.</i>	<i>Correct CAS No.</i>	<i>Date of Listing</i>
Triforine	developmental	26644-46-2 or 37273-84-0	26644-46-2	June 18, 1999

A complete, corrected chemical list is published elsewhere in this issue of the *California Regulatory Notice Register*.

DISAPPROVAL DECISIONS

**DECISIONS OF DISAPPROVAL OF
REGULATORY ACTIONS**

Printed below are the summaries of Office of Administrative Law disapproval decisions. Disapproval decisions are published in full in the California Code of Regulatory Decisions. You may request a copy of a decision by contacting Mike Ibold, Law Librarian at the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, California 95814-4339, (916) 323-8906—FAX (916) 323-6826. Please request by OAL file number.

**STATE OF CALIFORNIA
OFFICE OF ADMINISTRATIVE LAW
OAL File No. 02-0426-03 S**

BARBARA ECKARD
Senior Staff Counsel

For: David B. Judson
Deputy Director/Chief Counsel

In re:
**EMERGENCY MEDICAL SERVICES AUTHORITY
REGULATORY ACTION:**

**Title 22, California Code of Regulations
Amend Section: 100177**

DECISION SUMMARY

The regulatory action includes the proposed amendment of section 100177 which would impose a fifty dollar late fee for failure to submit an application for renewal of a paramedic license within a specified time frame. On June 10, 2002 the Office of Administrative Law (“OAL”) notified the Emergency Medical Services Authority (“EMS Authority”) that the proposed amendment section 100177 was disapproved

for incorrect procedure. Please note that sections 100178 and 100178.1 which were included in this filing and deal with disciplinary proceedings were approved by OAL on June 10, 2002 and will become effective on July 10, 2002.

June 17, 2002

Original: Richard Watson, Director
Cc: Nancy J. Steiner

**RULEMAKING PETITION
DECISIONS**

**DEPARTMENT OF
HEALTH SERVICES**

June 7, 2002

Roger Lane Carrick, Esq.
The Carrick Law Group
350 South Grand Avenue, Suite 2930
Los Angeles, CA 90071-3406

**Re: Petition of American Environmental Safety
Institute to the California Department of
Health Services to Adopt Regulations**

Dear Mr. Carrick:

The Department of Health Services (DHS) has reviewed the petition dated May 7, 2002 submitted on behalf of your client, the American Environmental Safety Institute (AESI) pursuant to Government Code section 11340.6. The petition is supported by a document entitled “Lead in Chocolate: The Impact on Children’s Health” (Exhibit 1). The petition requested that DHS adopt regulations under the Childhood Lead Poisoning Prevention Act of 1991 (Health & Saf. Code, § 105275 et seq.)(CLPP Act) to:

- (1) Amend regulations, presumably in Chapter 6 of Division 1 of Title 17 of the California Code of Regulations pertaining to fees for the support of the Childhood Lead Poisoning Prevention Program, to list any chocolate products containing more than 0.02 parts-per-million (ppm) of lead (Pb) as constituting “environmental lead contamination;” and
- (2) Amend regulations in Chapter 6 of Division 1 of Title 17 of the California Code of Regulations to require the manufacturers of chocolate products containing more than 0.02 ppm of lead who sell their products in California to pay the required fee pursuant to Health and Safety Code section 105310, subdivisions (a) and (b).

The petition also requested that DHS find that any chocolate product containing more than 0.02 ppm of lead is “adulterated” within the meaning of Health and Safety Code section 110545. Because this request was made in the context of a petition pursuant to Government Code section 11340.6, we have interpreted this request as a petition for the regulatory adoption in Subchapter 2 of Chapter 5 of Division 1 of the California Code of Regulations of a tolerance for lead in chocolate products.

In addition, we have considered this request as a solicitation to DHS to administratively take action against chocolate products containing more than 0.02 ppm of lead pursuant to its authority under the Sherman Food, Drug and Cosmetic Law (Health & Saf. Code, § 109875 et seq.). Such administrative action could include the embargo and condemnation of such products in California (Health & Saf. Code, § 11860 et seq.), injunctions against the sale of such products in California (Health & Saf. Code, § 111900 et seq.), and the imposition of penalties, either civil (Health & Safe Code, § 111855) or criminal (Health & Saf. Code, § 111825).

DISPOSITION

After thorough review of the material presented, DHS hereby denies the petition of your client in whole. As required by Government Code section 11340.7, an explanation of the reasons for this denial is set forth below. Also as required by Government Code section 11340.7, a copy of this letter, which embodies the decision of DHS, will be submitted to the Office of Administrative Law for publication in the California Regulatory Notice Register.

LISTING OF CHOCOLATE AS ENVIRONMENTAL LEAD CONTAMINANT

Health and Safety Code section 105310 imposes a fee on manufacturers and other persons formerly, presently, or both formerly and presently engaged in the stream of commerce of lead or products containing lead, or who are otherwise responsible for identifiable sources of lead. These manufacturers and other persons must “have significantly contributed historically, currently contribute, or both have significantly contributed historically and contribute currently to environmental lead contamination.” (Health & Saf. Code, § 105310, subd. (a).) “Environmental lead contamination” is defined as “the persistent presence of lead in the environment, in quantifiable amounts, that results in ongoing and chronic exposure to children.” (Health & Saf. Code, § 105280, subd. (g).) (Emphasis added.)

The CLPP Act does not establish a list of environmental lead contaminants, or authorize the establishment of such a list by regulation. Rather, the CLPP Act authorizes DHS to adopt regulations to

“establish specific fees to be assessed on manufacturers and other parties formerly, presently, or both formerly and presently engaged in the stream of commerce of lead or products containing lead, or who are otherwise responsible for identifiable sources of lead which, as determined by the department, have significantly contributed historically, currently contribute, or both have significantly contributed historically and contribute currently to environmental lead contamination.” (Health & Saf. Code, § 105310, subd. (b).)

DHS has adopted regulations in Chapter 6 (commencing with section 33001) of Division 1 of Title 17 of the California Code of Regulations that impose these fees on persons in two categories of industrial activity, motor vehicle fuel distribution and architectural coatings distribution, and on persons reporting releases of lead into the ambient air under the Superfund Amendments and Reauthorization Act (SARA) of 1986, Title III, section 313. In each case, the persons subject to the fee use or used lead in their products or processes in a manner that contributed to the persistent presence of significant amounts of lead in the environment and resulted in ongoing and chronic exposure to children.

The AESI petition alleges that a variety of chocolate products contain trace amounts of lead, ostensibly attributable to uptake by cocoa trees of lead contamination caused by fallout from the use of leaded motor vehicle fuels, pesticides containing lead, and lead-contaminated fertilizers.

As a threshold matter, the petition appears to provide little evidence that, in fact, producers of cocoa beans use lead-contaminated fertilizers or lead-based pesticides, such as leaded arsenate, on their crops. In the case of fertilizers, it is alleged that fertilizers are used for the production of cocoa beans. From that point, however, the petition appears to speculate that these fertilizers contain concentrated heavy metals. At one point, the petition states that the use of organic fertilizers has come “under increasing review in the last ten years precisely because of their known potential for concentrating heavy metals such as zinc, lead and mercury.” (Exhibit 1, p. 17.) (Emphasis added.) At another point, the petition states:

“The potential that third-world producers of cheaply priced fertilizers will spike their fertilizer products with heavy metal waste contamination is also well known.” (Exhibit 1, p. 18.)

In support of this statement, the petition cites a news report of fertilizer imported into the United States contaminated with cadmium, not lead. (Exhibit 1, p.18.) From this the petition concludes:

“Third world consuming countries like the Ivory Coast, Ghana and others will be inclined to import such cheap fertilizers over more expensive prod-

ucts, thus exposing themselves to such unscrupulous practices . . . ” (Exhibit 1, p.18.)

These assertions appear to fall short of a demonstration that producers of cocoa beans in fact utilize lead-containing raw materials in the production of their crops. At most, the petition asserts that the potential exists that lead may be a contaminant in some of the fertilizers used in third-world countries that produce cocoa beans. As the petition points out, to the extent that the fertilizers used do contain heavy metals, it is the result of unscrupulous practices, rather than any informed effort by cocoa producers to include lead as an ingredient in the beans.

With respect to pesticides, the petition states that pesticides are used in the cultivation of cocoa trees. The petition then states:

“Leaded arsenate pesticides were used extensively in cocoa bean production in the immediate post-World War II period . . . ” (Exhibit 1, p. 18.)

The petition goes on to say that their impact on cocoa was evaluated in 1968, and a build-up of lead in soils where leaded arsenate pesticides was used was documented. (Exhibit 1, p.18.) At that point, the discussion of leaded arsenate pesticides ends. No indication is made that cocoa beans are currently produced on these historically contaminated acres, or that leaded arsenate pesticides continue to be used in the production of cocoa beans.

The petition asserts that lindane and other pesticides are consistently found in cocoa products. It then states:

“These types of hexachlorocyclohexane isomers are notoriously contaminated with toxic metals in the technical grade formulations that are used as pesticides, and as a result are likely sources of lead and cadmium in cocoa raw materials.” (Exhibit 1, p. 18.)

No authority or source is cited for this assertion. Similarly, the petition alleges the use of copper oxide insecticides and fungicides. It then asserts:

“Copper oxide chemical preparations are also notorious for containing heavy metal contamination in their technical grades, the very grades purchased and used on cocoa trees to treat these diseases.” (Petition, p. 19.)

Again, no authority or source is cited for this assertion. In both cases the connection between lead and cocoa beans appears to be based upon notoriety, not fact, and neither case indicates an informed effort by cocoa bean producers to include lead in their product.

At no point does the petition contend that persons currently producing chocolate add lead as an ingredient during processing. In this regard, a strong distinction can be drawn between persons growing cocoa beans or distributing chocolate products, and the persons on whom the fees are currently imposed. The

producers and distributors of motor vehicle fuels and architectural coatings added lead to their products as an ingredient, resulting in environmental lead contamination. Similarly, persons currently reporting air emissions of lead are clearly a source of environmental lead contamination.

The levels of lead allegedly in cocoa products, on the other hand, appear to be the result of environmental lead contamination, not a contributing cause of it. Indeed, there may be many agricultural commodities that, as a result of industrial uses of lead, particularly the use of leaded motor vehicle fuels, contain trace amounts of lead. However, it does not appear that the producers of these commodities currently cause or historically caused environmental lead contamination in any way.

In this regard, we are unable to conclude that persons manufacturing cocoa beans or chocolate products contribute or contributed, either currently or historically, to environmental lead contamination within the meaning of the fee provisions of the CLPP Act. The purpose of the fee imposed by Health and Safety Code section 105310 is to impose liability for the costs of addressing childhood lead poisoning on those industries that are the cause of, and should be held responsible for, lead contamination that results in chronic and ongoing exposure to children. Its purpose does not appear to be the imposition of liability on persons distributing commodities simply because, like the children the CLPP Act seeks to protect, they are adversely affected by lead contamination.

To impose the fee in this manner could lead to absurd and, we believe, unintended results. For example, the total amount of money that can be collected through fees under the CLPP Act is capped by statute, and the three designated responsible industries each pay a percentage of this total amount. If additional industries affected by lead contamination are required to share responsibility, it would simply reduce the percentage required to be paid by the industries on which it is currently imposed. In effect, industries that suffer the consequences of environmental lead contamination could be forced to help the industries that caused the contamination with the expense of addressing childhood lead poisoning.

According to the AESI petition, the 900 million chocolate products consumed in California results in the consumption of “almost 6 pounds of lead by California chocolate consumers, particularly children.” In adopting its current regulations, DHS considered a broad spectrum of industries that deliberately used lead in the manufacture of their products, in addition to the motor vehicle fuels and architectural coatings industries. DHS stated:

“Some of these products are the cause of environmental lead contamination and childhood lead

poisoning. However, most of these products do not result in *significant* environmental lead contamination resulting in ongoing and chronic exposure to children. A large scientific literature acknowledges that the paint (architectural coatings) and petroleum (motor vehicle fuel) industries are overwhelmingly the largest consumers of lead in the stream of commerce resulting in environmental lead contamination, and subsequently resulting in ongoing and chronic exposure to children.” (Final Statement of Reasons, R-45-92, p.5, May 31, 1993.)

By way of comparison to the 6 pounds allegedly attributable annually to chocolate products, the lead consumed historically as a motor vehicle fuel additive in California from 1926 to 1989 was taken to be 1,336,046,000 pounds based on U.S. Bureau of Mines data (Final Statement of Reasons, R-45-92, May 31, 1993, Summary of Comments and Responses, p. 2.). Under these circumstances, DHS cannot conclude that the environmental lead contamination caused by trace amounts of lead in chocolate products is significant within the meaning of the CLPP Act.

IMPOSITION OF REGULATORY FEE FOR LEAD CONTAMINATION

The AESI petition requests that the regulations in Chapter 6 of Division 1 of Title 17 of the California Code of Regulations be amended to impose the fee required by Health and Safety Code section 105310, subdivisions (a) and (b). In making this request, it appears that AESI believes that any fees paid by major chocolate manufacturers would be in addition to fees paid by those currently covered by the regulations. However, section 105310 establishes a monetary cap on the amount of fees that can be assessed. Originally, the amount was \$16 million annually. More recently, the cap has been adjusted upwards to \$22 million. Fees are assessed against those currently covered by the regulations as a share of this total amount. To the extent that a new industry is required to pay fees, the share of that industry would serve to reduce the relative share of other industries paying fees, not augment it. Thus, any amounts paid in fees by the chocolate industry would simply reduce the amounts paid by the motor vehicle fuel and architectural coatings industry, and by current emitters of lead.

Imposing the CLPP Act fee on businesses whose products contain second-hand lead due to environmental lead contamination would likely be unworkable. According to Health and Safety Code section 105310, subdivision (b):

“[T]o the maximum extent practicable, the fees shall be assessed on the basis of the following criteria: (1) A person’s past and present responsibility for environmental lead contamination. (2) A

person’s ‘market share’ responsibility for environmental lead contamination.”

Under the regulations adopted by DHS utilizing these criteria for specific industry categories, it is essential to know (1) whether in fact the person used lead in its products, (2) the relative responsibility of that person compared to that person’s industry as a whole, and (3) that industry’s relative responsibility compared to that of other industries. Under the circumstances described in the AESI petition, establishing the first factor may be extremely difficult. The only available information on lead in chocolate products consists of a snapshot based upon the trace amounts in sample candy bars presented by AESI. Undoubtedly the sources of cocoa beans for “Big Chocolate” are variable. Cocoa beans are likely purchased from different sources, likely with different levels of trace contaminants. Thus, it is possible that at times a company’s supply of raw materials contained no lead attributable to the agricultural practices of its suppliers. Under these circumstances, relying solely upon the levels provided by AESI for particular products appears unreliable. Relying upon fluctuating levels based upon average annual lead levels would require a complex schedule of testing to reach an average.

Moreover, in addressing whether there is sufficient lead in chocolate to yield any real “market share” responsibility that would result in an appreciable fee assessment, the data and discussion in the R-45-92 regulatory package is important. That regulatory package, which established the Childhood Lead Poisoning Prevention fee assessments, concluded after considerable background research that the motor vehicle fuel industry, architectural coatings industry and current air emitters were the main relevant sources of environmental lead contamination.

The historical consumption of lead in motor vehicle fuels in California 1926–1989 was taken to be 1,336,046,000 pounds based on U.S. Bureau of Mines data (p. 2, summary of comments and responses) and 231,076,003 pounds in architectural coatings (paint). Emitters were stated to be putting out 95,000 pounds of lead in 1990 and 19,000 pounds in 1991. Other industries reviewed were considered as not causing lead exposure in children and all, with the exception of storage batteries, had lower annual use of lead versus either motor vehicle fuels or architectural coatings (range 2.5% to 62%).

The contribution of lead in chocolate can be looked at against the contribution of lead from motor vehicle fuels, architectural coatings and current emitters, to see potential “market share” fee responsibility. According to the current petition, 6 pounds of lead are currently collectively consumed in California annually (top page 2). Taking the 64 year period of 1926–1989

and assuming that chocolate consumption has been the same throughout this period, a total of 384 pounds of lead would have historically been provided by chocolate in California.

Placing 384 pounds of lead from chocolate in the context of the formulae used to calculate the fees for the motor vehicle fuel and architectural coatings industries, the 384 pounds would need to be expressed as a fraction of the 1,567,122,003 pounds used by those industries. This amounts to:

$384/1,567,122,003$ or 0.000000245.

Placing the lead alleged to currently come from chocolate in the context of the formula used to calculate the fees for current emitters of lead, the current lead content of all chocolate products (6 pounds) must be expressed as a fraction of the 19,000 pounds contributed annually by emitters in the early 1990s. This would amount to:

$6/19,000$ or 0.00032.

This year's fees totalled \$19.6 million. \$117,600 was assessed to emitters, and \$19.5 million to motor vehicle fuel and architectural coatings distributors. Compared to motor vehicle fuel and architectural coatings companies, the chocolate companies would collectively be responsible for \$4.78 in fees ($\$19.5 \text{ million} \times 0.000000245$). Compared to current emitters they would be responsible for \$37.63 ($\$117,600 \times 0.00032$). By a wide margin, these assessments would cost more to apportion and collect than would be yielded.

ESTABLISHMENT OF TOLERANCE FOR LEAD IN CHOCOLATE

The Citizen Petition from the American Environmental Safety Institute requested that "DHS find that any chocolate product containing more than 0.02 ppm of lead is 'adulterated' within the meaning of California Health and Safety Code § 110545." Government Code section 11340.6 authorizes petitions for the adoption of regulations, not findings. DHS is authorized to adopt regulations that prescribe tolerances for deleterious substances when public health or other considerations require. (Health & Saf. Code, § 110070.) DHS acknowledges that lead is a deleterious substance. DHS has therefore interpreted this petition by AESI as a request to establish a tolerance for lead in chocolate on the ground that chocolate products containing more than 0.02 ppm of lead are adulterated within the meaning of Health and Safety Code section 110545.

The petitioner identified lead levels as decimals of parts per million (e.g., 0.009, 0.02 ppm). These levels are more simply expressed as parts per billion (ppb) (e.g., 9 ppb, 20 ppb).

If DHS were to establish a tolerance for lead in chocolate products of 0.02 ppm, products exceeding

this tolerance would be deemed adulterated and could not be manufactured, distributed, or sold in California. It is unlawful for any person to manufacture, sell, deliver, hold, or offer for sale any food that is adulterated. (Health & Saf. Code, § 110620.) It is unlawful for any person to adulterate any food. (Health & Saf. Code, § 110625.) It is unlawful for any person to receive in commerce any food that is adulterated or to deliver or proffer for delivery any such food. (Health & Saf. Code, § 110630.)

Section 110545 of the Sherman Food, Drug, and Cosmetic Law (Health and Safety Code, § 109875 et seq.) provides:

"Any food is adulterated if it bears or contains any poisonous or deleterious substance that may render it injurious to health of man or any other animal that may consume it. The food is not considered adulterated if the substance is a naturally occurring substance and if the quantity of the substance in the food does not render it injurious to health." (Emphasis added.)

For DHS to find that chocolate products containing more than 20 ppb lead are adulterated, DHS must find that chocolate products containing 20 ppb or more of lead are injurious to health. Despite the arguments made in Exhibit 1, DHS does not find that chocolate products containing more than 20 ppb of lead as set forth in the petition are injurious to the health of man, including children, and does not consider chocolate products containing more than 20 ppb of lead to be adulterated.

As the petitioner described in Exhibit 1, the Food and Drug Administration's (FDA) 1994–1996 Total Diet Studies showed that daily intakes of lead from food averaged 1.3 micrograms for 2 to 5 year olds. Foods tested by FDA to derive this value for daily lead intake included nine chocolate products: chocolate milk, chocolate milkshake, chocolate pudding from instant, chocolate cake with chocolate frosting, chocolate chip cookies, milk chocolate candy bars, chocolate snack cakes with chocolate icing, brownies, and chocolate syrup. The highest lead level measured in any of these products was 110 ppb in a milk chocolate candy bar. Of the 26 milk chocolate candy bars tested by FDA for the Total Diet Study, two contained no detectable lead and roughly half contained less than 20 ppb lead. Only chocolate milk and chocolate pudding had all measurements below 20 ppb. Despite finding lead levels in a number of chocolate products above 20 ppb, the 1.3 micrograms lead ingested per day from food by 2 to 5 year olds is well below FDA's six micrograms per day Provisional Tolerable Daily Intake for lead in children.

FDA established the six micrograms per day Provisional Tolerable Daily Intake for lead from food recognizing that lead plays no role in human nutrition,

but is an unavoidable contaminant in a number of foods. Finding that total lead exposure from food, including nine chocolate products, for children 2 to 5 years old is less than one-fourth the Provisional Tolerable Daily Intake indicates that lead exposure from food does not pose a substantial health risk for children and that chocolate products currently available in the marketplace do not contribute excessive quantities of lead to the total diet. Factors contributing to the low risk of lead exposure from chocolate include: relatively low levels of lead (maximum, 110 ppb for chocolate products analyzed by FDA), the variability in lead levels for any given product (from none detected to 110 ppb for milk chocolate candy bars), and the relatively small contribution chocolate products make to the total diet of children. Based on this information, DHS concludes that chocolate products containing more than 20 ppb of lead currently available in the marketplace are not injurious to the health of man, including children, and are not adulterated. Under these circumstances, an adequate basis does not exist to establish a tolerance of 20 ppb lead in chocolate.

ADMINISTRATIVE ENFORCEMENT AGAINST CHOCOLATE PRODUCTS FOR LEAD

For the reasons expressed in the foregoing section, and those set forth below, DHS cannot take administrative enforcement action against chocolate products containing 20 ppb or more of lead as adulterated foods. DHS concludes that chocolate products containing more than 20 ppb of lead currently available in the marketplace are not injurious to the health of man, including children, and are not adulterated. Under these circumstances, an adequate basis does not exist to take administrative enforcement action against chocolate products containing 20 ppb or more of lead.

Exhibit 1 describes results of tests done at the request of the American Environmental Safety Institute (AESI) on lead in chocolate products and an evaluation of these test results. DHS considers some of the methods used in the evaluation inappropriate.

- Exhibit 1 describes certain products as exceeding the Proposition 65 limit of 0.5 micrograms per day. Proposition 65, the Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Saf. Code, § 25249.5 et seq.), requires that consumers be informed of exposures to chemicals known by the State to cause cancer or reproductive toxicity when exposures exceed certain allowable limits. Proposition 65 categorizes lead as a chemical known to cause reproductive/developmental toxicity and requires that consumers be informed of exposures exceeding 0.5 micrograms per day of lead, the Maximal Allowable Daily Level (MADL). The Proposition 65 MADL of 0.5 micrograms per day

for lead is the level triggering consumer notification/warning, but is not the level causing food products to be adulterated, i.e., injurious to health.

- Some chocolate products tested at the request of AESI contained more lead than FDA estimated 2 to 5 year old children consume daily from food, e.g., 1.44 micrograms lead in M&Ms vs. 1.3 micrograms total daily lead ingestion. However, it is inaccurate and inappropriate to calculate the increase in blood lead from consuming these chocolate products by simply multiplying the lead levels measured in chocolate by 0.16, the estimated increase in children's blood lead per microgram per day lead ingested, as done in Exhibit 1. The estimated increase in blood lead per microgram per day lead consumed assumes daily exposure for at least a month. Lead is a cumulative toxin that builds up slowly over time. Low-level lead exposures, as generally occur from food, produce relatively stable blood lead levels since the quantity of lead added from food equals the quantity lost both through elimination and long-term sequestering/storage in bone. Consuming one to five micrograms lead in chocolate on a single day is likely to have little or no effect on blood lead levels and will certainly not increase blood lead levels by 18 to 61 percent as described in Exhibit 1.
- It is inappropriate and misleading to compare the levels of lead in chocolate with the levels of lead in paint chips/dust. Lead was banned from house paint in 1978. In the 1940s, house paint contained up to 50 percent lead. Prior to 1978, lead-based house paint contained at least half a percent lead (5000 ppm) and since 1978 house paint can still contain up to 0.06 percent lead, 600 ppm lead. Even with the ban on lead-based house paint, house paint may contain 6000 times more lead than the level measured in the chocolate products with the highest lead levels, i.e., 105 ppb AESI, 110 ppb FDA.
- Lead levels generally decline during each step in the processing of chocolate. Since processing is not adding lead to chocolate, it cannot be considered an adulterating food additive.

CONCLUSION

The request that DHS adopt regulations to list any chocolate products containing more than 0.02 parts-per-million (ppm) of lead (Pb) as constituting "environmental lead contamination," and to require the manufacturers of chocolate products containing more than 0.02 ppm of lead who sell their products in California to pay the required fee pursuant to Health and Safety Code section 105310, subdivisions (a) and (b), is denied.

Additionally, DHS declines to adopt a tolerance of 20 ppb for lead in chocolate products, or to enforce such a level independent of an established tolerance.

It is the right of interested persons to obtain a copy of the petition from the Department of Health Services. Please contact Peter A. Baldridge, Senior Staff Counsel, at (916) 654-0589, if you have any questions about, or wish to discuss, the disposition of this petition.

Yours truly,

Barbara H. Yonemura
Deputy Director and Chief Counsel

cc: Office of Administrative Law
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SUMMARY OF REGULATORY ACTIONS

REGULATIONS FILED WITH SECRETARY OF STATE

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF ACCOUNTANCY

Safe Harbor, Licensing Requirements, Client Notification

This regulatory action creates a "safe harbor" for non-licensed person to prepare financial statements; and conforms licensing regulations to recent legislative changes.

Title 16

California Code of Regulations

ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND: 6, 7, 9, 9.1, 10, 11.5, 37, 50

Filed 06/12/02

Effective 06/12/02

Agency Contact: Aronna Granick (916) 263-3788

CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

Transfer/Processing of Putrescible Waste

This emergency rulemaking action amends the qualifying test for determining if a transfer and processing operation or facility is subject to the Board's regulations. (Previous OAL file # 01-0806-01E)

Title 14

California Code of Regulations

ADOPT: 17402.5(c)(6), 17402.5(d)(3) AMEND: 17400, 17402, 17402.5

Filed 06/13/02

Effective 06/13/02

Agency Contact: Elliot Block (916) 255-2821

DEPARTMENT OF CONSERVATION

SB 528 Sit Historical Review Emergency Regulations

This is the readoption of an emergency action updating the procedure for Department review of an application for certification of a recycling center or processor, to accommodate a change in the relevant statutes that requires the department to consider whether a recycling center or processor operating in the same location has operated in compliance with applicable laws during the prior 5 years.

Title 14

California Code of Regulations

AMEND: 2030

Filed 06/19/02

Effective 07/02/02

Agency Contact: Karen Denz (916) 322-1899

DEPARTMENT OF CONSERVATION

SB 528 Predatory Pricing

This emergency regulatory action conforms the Department's regulation on unfair and predatory pricing by supermarket site recycling centers to statutory changes made by SB 528 (Chapter 874, Statutes 2001). (Previous OAL file #02-0213-01E)

Title 14

California Code of Regulations

AMEND: 2135

Filed 06/19/02

Effective 06/21/02

Agency Contact: Karen Denz (916) 322-1899

DEPARTMENT OF FOOD AND AGRICULTURE

Fertilizing Materials

This nonsubstantive amendment changes a cross-reference to correctly identify the testing methodology for non-nutrient metals in inorganic commercial fertilizing materials.

Title 3
California Code of Regulations
AMEND: 2303(t)
Filed 06/13/02
Effective 06/13/02
Agency Contact:
Maryam Khosravifard (916) 654-0574

DEPARTMENT OF FOOD AND AGRICULTURE
Standardization Assessment Rate

This new section 1366 on standardization assessment rates is exempt from review for compliance with the Administrative Procedure Act by the Office of Administrative Law pursuant to Food and Agriculture section 42806 and is filed with the Secretary of State for printing in the California Code of Regulations only.

Title 3
California Code of Regulations
ADOPT: 1366
Filed 06/13/02
Effective 07/01/02
Agency Contact:
Heather K. Spencer (916) 654-0919

DEPARTMENT OF INSURANCE
Exemptions From Licensure as insurance agents or brokers.

This emergency rulemaking sets forth specific activities that are exempt from insurance agent/broker licensure.

Title 10
California Code of Regulations
ADOPT: 2193, 2193.1, 2193.2, 2193.3
Filed 06/17/02
Effective 06/17/02
Agency Contact: Steven Suchil (916) 492-3500

DEPARTMENT OF JUSTICE
Non-Participating Tobacco Mfg. Reserve Fund

The regulatory action is the Certificate of Compliance for the emergency regulatory action that dealt with the Non-Participating Tobacco Product Manufacturers Reserve Fund. (Prior OAL Files 02-0415-02E and 02-0308-03S.)

Title 11
California Code of Regulations
ADOPT: 999.10, 999.11, 999.12, 999.13, 999.14, Appendix A
Filed 06/19/02
Effective 06/19/02
Agency Contact:
William F. Soo Hoo (916) 323-3853

DEPARTMENT OF MOTOR VEHICLES
Conflict of Interest

The Department of Motor Vehicles is amending its conflict of interest code found at Title 13, California Code of Regulations, Section 1. The changes were approved for filing by the Fair Political Practices Commission on May 2, 2002.

Title 13
California Code of Regulations
AMEND: 1
Filed 06/18/02
Effective 07/18/02
Agency Contact: Ann Myrick (916) 657-8857

DIVISION OF WORKERS COMPENSATION
Worker' Compensation —Medical-Legal Fees

The Division of Workers Compensation is amending the captioned sections pertaining to the Medical Fee Schedule, Payment for Medical Treatment (Definitions), Medical-Legal Expenses and Comprehensive Medical Leave Evaluations (Definitions), and Reasonable Level of Fees for Medical-Legal Expenses, Follow-up, Supplemental and Comprehensive Medical-Legal Evaluations and Medical-Legal Testimony (schedule of fees). The changes were necessary due to those made by Stats. 1999, ch. 124, to Labor Code section 4603.2, and some miscellaneous editorial changes.

Title 8
California Code of Regulations
AMEND: 9791.1, 9792.5, 9793, 9795
Filed 06/12/02
Effective 07/12/02
Agency Contact: James Robbins (415) 703-4600

FAIR POLITICAL PRACTICES COMMISSION
Public Utilities Commission Proceedings

The Fair Political Practices Commission is amending the captioned sections pertaining to the definition of lobbyist, accounting by lobbyist employers and persons spending \$5,000 or more to influence legislative or administrative action, and reports by lobbyist employers and persons spending \$5,000 or more to influence legislative or administrative action. The Office of Administrative Law has filed the above regulatory action with the Secretary of State in accordance with the decision of the Third District Court of Appeal in *Fair Political Practices Commission v. Office of Administrative Law, et al.*, 3 Civil CO 10924, dated April 27, 1992.

Title 2
California Code of Regulations
AMEND: 18239, 18615, 18616
Filed 06/17/02
Effective 07/17/02
Agency Contact: Carla Wardlow (916) 322-5660

**OCCUPATIONAL SAFETY AND HEALTH
STANDARDS BOARD**

Process Safety Management of Acutely Hazardous
Materials Listing of Sulfur Dioxide

Appendix A of Section 5189 addresses the prevention of catastrophic releases of toxic, reactive, flammable and explosive chemicals and applies to employers who utilize a process involving a particular chemical or chemicals at or above a threshold quantity listed in the Appendix. This rulemaking deletes the term "liquid" from the sulfur dioxide entry so that it is not limited to only its liquid state.

Title 8
California Code of Regulations
AMEND: 5189
Filed 06/18/02
Effective 07/18/02
Agency Contact: Marley Hart (916) 274-5721

**SAN FRANCISCO BAY CONSERVATION AND
DEVELOPMENT COMMISSION**

San Francisco Bay Plan Amendment concerning
marsh, mudflats, fish, wildlife, dredging, subtidal
areas, map plans, etc.

OAL's review of this action is limited pursuant to Government Code section 11354.1. The action updates the marshes and mudflats, fish and wildlife, and dredging findings and policies; adds a new policy section on subtidal areas; amends priority use area designations and Plan Map notes; and revises terminology for refuges in the San Francisco Bay Plan.

Title 14
California Code of Regulations
AMEND: 11900
Filed 06/18/02
Effective 06/18/02
Agency Contact: Katherine Wood (415) 352-3642

**CCR CHANGES FILED WITH THE
SECRETARY OF STATE
WITHIN FEBRUARY 13, 2002
TO JUNE 19, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

Title 1

02/22/02 AMEND: 121, Appendix A

Title 2

06/17/02 AMEND: 18239, 18615, 18616
06/06/02 ADOPT: 18572
05/28/02 ADOPT: 1896.300, 1896.310, 1896.320,
1896.330, 1896.340, 1896.350, 1896.360,
1896.370
05/22/02 AMEND: 571(a)(5)
05/13/02 AMEND: 18428
05/10/02 AMEND: 18351
05/09/02 AMEND: 20202, 20206, 20210, 20224,
20234, 20298, 20350, 20363, 20910
REPEAL: 20106, 20205, 20213
05/02/02 ADOPT: 1859.104.1, 1859.104.2,
1859.104.3 AMEND: 1859.2, 1859.21,
1859.50, 1859.51, 1859.61, 1859.70,
1859.73.1, 1859.73.2, 1859.74.1,
1859.75.1, 1859.76, 1859.78.2,
1859.79.3, 1859.81, 1859.81.1, 1859.82,
1859.91, 1859.95, 1859.100, 1859.101,
1859.102,
04/26/02 ADOPT: 18520 AMEND: 18521, 18523,
18523.1
04/19/02 ADOPT: 18537.1
04/10/02 ADOPT: 1859.74.4 AMEND: 1859.2,
1859.20, 1859.21, 1859.30, 1859.33,
1859.40, 1859.41, , 1859.42, 1859.43,
1859.50, 1859.51, 1859.60, 1859.70,
1859.73.1, 1859.73.2, 1859.74.1,
1859.74.4, 1859.75.1, 1859.76,
1859.78.2, 1859.79.3, 1859.81,
1859.81.1, 1859.
04/04/02 ADOPT: 60, 60.1, 60.2, 60.3, 60.4, 60.5,
60.6, 60.7, 60.8, 60.9, 60.10
03/27/02 ADOPT: 59100
03/19/02 ADOPT: 599.930
03/18/02 AMEND: 599.502, 599.508
03/15/02 ADOPT: 1859.200, 1859.201, 1859.202,
1859.203, 1859.204, 1859.205, 1859.206,
1859.207, 1859.208, 1859.209, 1859.210,
1859.211, 1859.212, 1859.213, 1859.214,
1859.215, 1859.216, 1859.217, 1859.218,
1859.219, 1859.220
03/13/02 AMEND: 56800
03/07/02 ADOPT: 2351
02/19/02 ADOPT: 18530.8
02/19/02 ADOPT: 18543 REPEAL: 18543
02/19/02 ADOPT: 18450.11
02/14/02 ADOPT: 18404.1 REPEAL: 18404.2

Title 3

06/13/02 ADOPT: 1366
06/13/02 AMEND: 2303(t)
06/11/02 AMEND: 3425(b)
06/10/02 AMEND: 6391, 6393, 6394, 6395
06/10/02 AMEND: 3406(b)
06/04/02 AMEND: 3591.16(a)

05/29/02 AMEND: 1380.19, 1436.38, 1446.7,
1454.14, 1462.15
05/16/02 AMEND: 1428.12, 1428.16
05/02/02 AMEND: 3700(a), (b), & (c)
04/23/02 AMEND: 3591.12(a)
04/23/02 ADOPT: 899.2 AMEND: 899.1
04/18/02 AMEND: 6510, 6793
04/12/02 AMEND: 3423(b)
04/11/02 ADOPT: 3664, 3665, 3666, 3667, 3668,
3669
04/08/02 AMEND: 6450.2, 6450.3, 6784
04/04/02 AMEND: 3033.2, 3033.3, 3033.4
04/02/02 ADOPT: 480.9 AMEND: 480.7
03/12/02 AMEND: 3423(b)
03/12/02 AMEND: 3423(b)
03/08/02 ADOPT: 306, 6188, 6780 AMEND: 6000
02/22/02 AMEND: Div. 1, Chapter 1.1, Section 2
and Appendix
02/20/02 AMEND: 3591.16(a)

Title 4

05/13/02 ADOPT: 8110, 8111, 8112, 8113, 8114,
8115, 8116, 8117, 8118, 8119, 8120,
8121, 8122, 8123, 8124, 8125
05/07/02 ADOPT: 3005, 3006, 3007, 3008, 3009,
3010 AMEND: 1928
04/16/02 AMEND: 1405, 1527
03/21/02 ADOPT: 8090, 8091, 8092, 8093, 8094,
8095, 8096, 8097, 8098, 8099, 8100,
8101
03/19/02 ADOPT: 12100, 12102, 12104, 12106,
12108, 12120, 12130
02/13/02 AMEND: 1691

Title 5

06/11/02 AMEND: 11530, 11531
06/05/02 AMEND: 59311, 59328, 59342
05/21/02 AMEND: 80026.4, 80026.6, 80122
05/08/02 ADOPT: 80434 AMEND: 80001
03/25/02 ADOPT: 11980, 11981, 11982, 11983,
11984, 11985, 11986
03/20/02 AMEND: 50500
03/20/02 AMEND: 59300, 59302, 59303, 59304,
59305, 59306, 59310, 59311, 59320,
59322, 59324, 59326, 59327, 59328,
59329, 59330, 59333, 59334, 59336,
59338, 59339, 59340, 59342, 59350,
59351, 59352, 59354, 59358, 59360,
59362
03/15/02 ADOPT: 11963, 11963.1, 11963.2,
11963.3, 11963.4
03/12/02 ADOPT: 18400, 18405, 18406, 18407,
18408, 18409, 18409.5, 18410, 18411,
18412, 18413, 18414, 18415, 18416,
18417, 18418, 18419, 18420, 18421,
18422, 18423, 18424, 18425, 18426,

18427, 18428, 18429, 18430, 18431,
18432, 18433, AMEND: 18409.5,
18409(e),

03/01/02 ADOPT: 11967.5, 11967.5.1

02/20/02 AMEND: 41906.5

02/19/02 ADOPT: 55753.5, 55753.7 AMEND:
55753

Title 7

04/04/02 ADOPT: 237

Title 8

06/18/02 AMEND: 5189
06/12/02 AMEND: 9791.1, 9792.5, 9793, 9795
06/03/02 AMEND: 4885
06/03/02 AMEND: 5034(f)
05/28/02 AMEND: 3650, 3664
05/20/02 AMEND: 32125, 32130, 32140, 32603,
32604, 32720, 32735, 32738, 32739,
32744, 32752, 32763, 32980
05/07/02 ADOPT: 11080, 11090, 11100, 11110,
11120, 11130, 11150 REPEAL: 11080,
11090, 11100, 11130, 11130, 11150
05/06/02 AMEND: 3089
05/02/02 AMEND: 100, 106, 107
05/01/02 ADOPT: 11140 AMEND: 11140
05/01/02 ADOPT: 1716.2 AMEND: 1632, 1635,
1671, 1709, 1710
04/22/02 AMEND: 2320.2 of the Low voltage
Electrical safty orders
04/03/02 AMEND: 1626
03/28/02 ADOPT: 341.15
03/05/02 AMEND: 3251
02/22/02 ADOPT: 11010, 11020, 11030, 11040,
11050, 11060, 11070, 11080 REPEAL:
11010, 11020, 11020, 11040, 11050,
11060, 11070, 11080
02/14/02 AMEND: 17

Title 8, 24

05/08/02 AMEND: 3011(d), 3120.1and 3122.0

Title 10

06/17/02 ADOPT: 2193, 2193.1, 2193.2, 2193.3
06/07/02 AMEND: 5.2001 and Appendix
06/06/02 AMEND: 2698.70, 2698.71 REPEAL:
01-1219-06 E
06/03/02 ADOPT: 2192.1, 2192.2, 2192.3, 2192.4,
2192.5, 2192.6, 2192.7, 2192.8, 2192.9,
2192.10, 2192.11, 2192.12, 2192.13
06/03/02 ADOPT: 2187.3 AMEND: 2186.1,
2187.1, 2187.2
05/01/02 ADOPT: 2278, 2278.1, 2278.2, 2278.3,
2278.4, 2278.5
04/29/02 ADOPT: 1729, 1741.5, 1950.302
AMEND: 1741.5
04/29/02 ADOPT: 2699.6606, 2699.6711,
2699.6631, 2699.6631, 2699.6717
AMEND: 2699.6500, 2699.6600,

2699.6605, 2699.6607, 2699.6611,
2699.6613, 2699.6617, 2699.6623,
2699.6625, 2699.6629, 2699.6700,
2699.6703, 2699.6705, 2699.6709,
2699.6800, 2699.6801, 2699.6809
04/16/02 AMEND: 2698.73
03/27/02 ADOPT: 260.204.9
03/26/02 AMEND: 250.30
03/22/02 AMEND: 2698.200, 2698.201, 2698.301,
2698.302
03/21/02 ADOPT: 2130, 2130.1, 2130.2, 2130.3,
2130.4, 2130.5, 2130.6, 2130.7.8
03/18/02 ADOPT: 1422 & 1423
02/27/02 AMEND: 2498.6
02/26/02 ADOPT: 2581.1, 2581.2, 2581.3, 2581.4

Title 11

06/19/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
999.14, Appendix A
05/24/02 AMEND: 1005
05/21/02 AMEND: 1005
05/06/02 ADOPT: 435, 436, 437, 438, 439, 440,
441, 442, 443, 444, 445, 446, 447, 448,
449, 450, 451, 452, 453, 454, 455, 456,
457, 458, 459, 460, 461, 462, 463, 464,
465, 466, 467, 468, 469, 470, 471, 472,
473, 474, 475, 476, 477, 478, 479, 480,
481, 482, 483, 48
04/26/02 AMEND: 1005, 1008
04/25/02 ADOPT: 1081(a)(32)
04/23/02 AMEND: 3000, 3001, 3003, 3007, 3008
04/22/02 AMEND: 900, 901, 902, 903, 904, 905,
906, 907, 908, 911
04/15/02 ADOPT: 999.10, 999.11, 999.12, 999.13,
999.14 and Appendix A
03/14/02 ADOPT: 1081(a) [31]
03/11/02 AMEND: 1005, 1007
03/07/02 AMEND: 1018
03/06/02 ADOPT: Article 20, Section 51.19
02/25/02 ADOPT: 410, 411, 415, 416, 417, 418,
419, 420, 421, 422, 423, 424, 425, 426
02/19/02 AMEND: 20

Title 13

06/18/02 AMEND: 1
06/03/02 AMEND: 565
05/24/02 AMEND: 1900, 1960.1 (k), 1961, 1962 &
the Incorporated Test Procedure
04/29/02 AMEND: 350.44
04/04/02 ADOPT: 565
03/25/02 AMEND: 345.04, 345.41
03/20/02 ADOPT: 1235.1, 1235.2, 1235.3, 1235.4,
1235.5, 1235.6 AMEND: 1200
03/08/02 ADOPT: 593.3
02/19/02 ADOPT: 156.00

Title 14

06/19/02 AMEND: 2030

06/19/02 AMEND: 2135
06/18/02 AMEND: 11900
06/13/02 ADOPT: 17402.5(c)(6), 17402.5(d)(3)
AMEND: 17400, 17402, 17402.5
06/06/02 ADOPT: 749.1
06/05/02 AMEND: 1.1, 6159, 6170, 6170.5, 6171,
6179, 6184, 6185, 6200, 6206, 6222,
6243, 6254, 6255, 6262
05/30/02 AMEND: 1104.1
05/23/02 ADOPT: 52.10
05/22/02 AMEND: 1037.4, 1092.19
05/21/02 ADOPT: 17367, 17368, 17369, 17370.1,
17370.2, 18225
05/20/02 AMEND: 149
04/29/02 AMEND: 27.80
04/11/02 ADOPT: 104.1
04/10/02 AMEND: 27.67
04/10/02 AMEND: 17943(b)(26)
04/04/02 AMEND: 670.2
03/26/02 AMEND: 28.59
03/25/02 AMEND: 2090, 2105, 2420, 2425, 2530,
2690
03/25/02 ADOPT: 180.15
03/14/02 AMEND: 180.3
03/14/02 AMEND: 150
03/13/02 ADOPT: 18627
03/04/02 AMEND: 2030
03/04/02 ADOPT: 17211, 17211.1, 17211.2,
17211.3, 17211.4, 17211.5, 17211.6,
17211.7, 17211.8, 17211.9
02/28/02 ADOPT: 4971
02/22/02 AMEND: 2135

Title 15

05/08/02 ADOPT: 4746.5
05/06/02 AMEND: 3104
04/17/02 AMEND: 3276
03/20/02 AMEND: 3401.5
03/11/02 ADOPT: 3501
03/07/02 AMEND: 3375.2
02/28/02 AMEND: 2005

Title 16

06/12/02 ADOPT: 4, 9, 12, 12.5, 13, 14 AMEND:
6, 7, 9, 9.1, 10, 11.5, 37, 50
06/03/02 AMEND: 2034, 2036
05/29/02 ADOPT: 980.1 AMEND: 974
05/28/02 AMEND: 3340.42
05/24/02 ADOPT: 832.06 AMEND: 832.05
05/21/02 ADOPT: 2412 AMEND: 2411, 2418
05/21/02 AMEND: 2006
05/21/02 ADOPT: 1356.5
05/16/02 AMEND: 832.54
05/08/02 AMEND: 832.09
05/02/02 AMEND: 3303, 3353, 3361.1
04/09/02 AMEND: 2010.1, 2024, 2025
04/02/02 AMEND: 2068.5
03/29/02 AMEND: 2620.5, 2649, 2671

03/29/02 REPEAL: 1044.4
 03/26/02 AMEND: 1950, 1950.2, 1970.4 RE-
 PEAL: 1990.1, 1991.1
 03/25/02 AMEND: Section 1888
 03/20/02 AMEND: 1083
 02/28/02 ADOPT: 4100, 4101, 4102, 4110, 4111,
 4112, 4113, 4114, 4120, 4121, 4122, 4130
 02/26/02 AMEND: 3394.4, 3394.6
 02/20/02 AMEND: 1388, 1388.6, 1389, 1392,
 1397.63 REPEAL: 1388.5
 02/19/02 AMEND: 1387.6, 1387.7, 1387.8
 02/13/02 AMEND: 3361.1

Title 17

06/10/02 AMEND: 90700, 90701, 90702, 90703,
 90704, 90705 & to the tables in Section
 90705
 05/16/02 AMEND: 6508
 05/02/02 ADOPT: 2641.5, 2641.10, 2641.15,
 2641.20, 2641.25, 2641.30, 2641.35,
 2641.45, 2641.50, 2641.55, 2641.60,
 2641.65, 2641.70, 2641.75, 2641.77,
 2641.80, 2641.85, 2641.90, 2643.5,
 2643.10, 2643.15, 2643.20.
 04/22/02 AMEND: 70500, 70600
 04/11/02 AMEND: 58420
 04/10/02 ADOPT: 54327.2 AMEND: 54302,
 54327, 54327.1, 56002, 56026, 56093,
 58651
 03/27/02 AMEND: 57310, 57332, 57530
 03/12/02 ADOPT: 33001, 33002, 33003, 33004,
 33005, 33006, 33007, 33008, 33009,
 33010, 33011, 33012, 33013, 33014,
 33015, 33025 AMEND: 33020, 33030,
 33040 REPEAL: 3001, 33010
 03/01/02 ADOPT: 2638 AMEND: 2500, 2502,
 2505, 2551, 2552, 2553, 2596, 2614,
 2626
 02/28/02 AMEND: 56002, 56031, 56033, 56034,
 56134.1, 56035, 56036, 56037, 56038,
 56048, 56054, 56057, 56059, 56060

Title 18

06/11/02 ADOPT: 255, 263, 264, 265 AMEND:
 252, 254, 261, 304 REPEAL: 253, 256,
 262
 06/11/02 AMEND: 21 REPEAL: 23, 24, 25, 26
 06/11/02 ADOPT: 1123, 1124, 1161, 1178, 1435,
 1436 AMEND: 1101, 1105, 1120, 1132,
 1134, 1420, 1422, 1430 REPEAL: 1103,
 1104, 1106, 1107, 1108, 1114, 1115, 1116,
 1117, 1118, 1119, 1121, 1131, 1133, 1151,
 1152, 1153, 1154, 1155, 1171, 1172,
 1173, 1174, 1175, 1176
 06/07/02 ADOPT: 1525.7
 06/07/02 ADOPT: 1533
 06/07/02 AMEND: 1533.1
 06/06/02 ADOPT: 1507

06/05/02 AMEND: 1111, 1122, 1137, 1177, 1413,
 1470; section 1470 withdrawn from the
 instant filing.
 06/04/02 AMEND: 135
 05/29/02 AMEND: 23101.5
 05/20/02 ADOPT: 138
 05/16/02 ADOPT: 139
 05/15/02 AMEND: 1699
 05/14/02 AMEND: 905
 05/14/02 AMEND: 1603
 05/13/02 ADOPT: 1434
 05/13/02 ADOPT: 4011 AMEND: 4061
 04/17/02 ADOPT: 305.3
 04/16/02 AMEND: 1525.2
 04/16/02 AMEND: 1532
 04/16/02 AMEND: 1668
 04/03/02 AMEND: 25110
 04/03/02 ADOPT: 138
 04/02/02 AMEND: 25114
 04/02/02 AMEND: 25111-1
 03/19/02 AMEND: 25112
 03/13/02 AMEND: 24411
 03/12/02 REPEAL: 25111.1
 03/12/02 AMEND: 24344(c)
 03/12/02 REPEAL: 25111
 03/11/02 AMEND: 25106.5-0, 25106.5
 03/08/02 AMEND: 6001
 02/28/02 REPEAL: 25115

Title 19

05/22/02 ADOPT: 2000
 05/16/02 REPEAL: 596.15 & 596.16 & Article 12
 thru Article 23 (all duplicated in the code)
 04/02/02 ADOPT: 2575, 2575.1, 2575.2, 2576,
 2576.1, 2577, 2577.1, 2577.2, 2577.3,
 2577.4, 2577.5, 2577.6, 2577.7, 2577.8,
 2578, 2578.1, 2578.2

Title 20

06/03/02 ADOPT: 1342, 1343, 1344 AMEND:
 1302, 1303, 1306, 1307, 1308, 1340,
 1341, 2503, 2505, 2507 REPEAL: 1342,
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